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The American Political Science Review

Vol. XX FEBRUARY, 1926 No. 1

PROGRESS IN POLITICAL RESEARCH[1]

CHARLES E. MERRIAM

University of Chicago

It is now over twenty-one years since a group of scholastic adventurers meeting in New Orleans established the American Political Science Association, and started the organization upon its uncertain course. Looking back over the days that intervene between our infancy and this, the attainment of our twenty-first meeting, one may trace the lines of advance in our undertaking. As one of the charter members I may be permitted the liberty of reviewing briefly some of the more significant fields in this development.

One of the most striking advances in research during the last twenty-one years has been that centering around the problem of the modern city. Research centers, some of them within and some of them without university walls, have sprung up all over the country, and municipal research workers have contributed materially to the intelligent analysis of urban phenomena and to the direction of the growth of our municipalities. In no field has there been more scientific and practical political research than here. Goodnow was most conspicuous in this field in the earlier days and Munro in the later.

The study of political parties has been rescued from neglect and has been made an integral part of instruction and the object

[1] Presidential address delivered before the American Political Science Association at New York City, December 28, 1925.

of many specific studies, notably those of Holcombe, Rice, and Gosnell. Along with parties, public opinion has been made an object of more intensive inquiry, as in the suggestive studies of Lippman and Allport.

Political theory has been embellished by the scholarly treatises of our distinguished presidents, Dunning, Willoughby, Garner, and many other studies in more special fields, both historical and analytical.

Inevitably as a result of the World War, but even before that, attention was directed toward international relations, and a flood of important descriptions and rationalizations center around foreign affairs. Many scholarly efforts have been made to formulate more concise principles of international law and to illuminate international relations, as in the works of Wilson, Moore, and a host of others.

In constitutional law many keen and scholarly observers have appeared, of whom Corwin, Powell, and Dodd are typical. But the observers in this field must struggle hard in the wide variety of decisions that fall upon them. In the broader field of juristic theory the figure of Roscoe Pound looms up large and lambent. On the whole, American jurisprudence remains upon a vocational basis, with little attention to research.

In this period the beginnings were made of the study of public administration. Inquiries into administrative law and organization were already developed by Goodnow and others, but in the more recent period specific attention has been directed to public personnel problems, and progress in this direction may be chronicled.

In the field of legislation significant advances were made by McCarthy, whose untimely death caused irreparable injury. In other directions Freund and Shambaugh moved forward.

In the field of method some stirrings may be observed. Beard struck out into an interesting field of economic interpretation of American political institutions, but unfortunately the task is still incomplete. However, our distinguished colleague, the Connecticut Farmer, as he terms himself, is still young. In the last four years this Association's committee on political research has

undertaken to inquire more closely into the methods of political science. The National Conferences on the Science of Politics have emphasized this, and some progress has been made in that direction, although it is still early for observations in this new field. On the whole, the most striking tendency of method during this period has been that toward actual observations of political processes and toward closer analysis of their meaning,—this in contrast to a more strictly historical, structural, and legalistic method of approach to the problems of politics.

Some important aids to scholars have been developed during the last two decades. Among these are the *American Political Science Review*, the *National Municipal Review*, the *American Journal of International Law*, the *Journal of the American Bar Association*. We are all deeply indebted to the editors and managers of these indispensable journals, as we are to those of the older journals. Unfortunately we must chronicle the sad death of the index and digest of state session laws which was for a period of twenty years an invaluable aid to scholarship.

The number of serious students of politics is obviously increasing in number and training, although the striking fact is that the group is still small and pitifully inadequate to the task they undertake. We must record the loss of two of our most eminent scholars of greatest promise in the field of government, Presidents Goodnow and Lowell, who have both gone to that bourne from which no political research man returns.

It would be interesting to examine the fact-content of these various inquiries and to develop the various principles and conclusions that have been established, but the limits of this discussion will not permit such an appraisal.

A disconcerting loss which must be chronicled is the widespread popular tendency toward political fundamentalism. This takes the form of intolerance toward opposing views, and a dogmatic self-complacency intolerant of challenge or rebuke, resulting in indirect, or even direct, suppression of liberty of speech or inquiry. The Scopes case in Tennessee was startling, but the Lusk law in New York was as bad. Only recently in a great mid-western university a former cabinet member was refused permission to

speak in a university building on the League of Nations because it is a political question. If we lose freedom of speech in the quest for scientific truth, our descendants will find it necessary to retrace some painful steps over a flinty way.

On the whole, these twenty-one years have been a period of substantial progress and solid achievement, more than justifying the expectations of those who aided in launching the Association.

However, we have farther to look ahead than behind, and we must therefore turn toward tendencies in the future development of research in the field of political relations. Here we come upon some of the paradoxes of politics. After all our advances, it sometimes appears that we are not fully appreciated by our colleagues, either in the world of practical politics or in the higher and brighter world of theoretical social science.

I had been some months in the Chicago City Council when an astute friend said to me, "You are making progress. There seems to be no prejudice against you because you are a professor. And that is saying a good deal." However, since then one of our distinguished colleagues has been called (falsely, of course) the boss of a great city, thus indicating progress in a practical direction.

And this summer, in a conference at Dartmouth, I observed that my social science colleagues, when they wished to express the absolute absence of science in any subject, were wont to say, "Well, of course, that is purely political." Evidently the "purely political" has diverse meanings.

We are even solemnly warned that politics is disappearing. I have read with great interest the comments of those who seem to believe that we are about to pass into a world from which the wicked spirit of politics has been exorcised, into a depoliticized, denatured state—no, not state but status—in which nonpolitical rule has taken the place of the outlawed scape-goat once called politics. It is easy to understand what these writers feel and sometimes even what they mean, but I am unable to share their convictions, and it is difficult to escape the conclusion that they are deceiving themselves with euphonious verbalisms. Whether the ruling authority is called economic, or social, or political, or

by some other name hereafter to be determined, a set of relations similar to those of politics seems to be inevitable. Whether the world is righteously pluralised, or unrighteously unified, or otherwise, the astute gentlemen who wield the power will be the last to worry over names. What king cares what his scepter is called? Not only this, but as the complexity of social relations increases there will in all probability be more politics before there is less; more governmental rules and regulations before there are fewer.

It is not unlikely, however, that there may be radical changes in the general character of our study of government. Laws, ordinances, rules and regulations, decisions, dictums, dissents, budgets, taxes and debts, capitol buildings, poor-houses, governmental reports, erudite treatises in imposing bindings—these are politics it is true, but not all of it. Whatever it may become in print, in real life politics is vivid in tone and color. Its flavor is in no sense mild and bland, but meaty, savory, salty. It may be conceded frankly that some political discussions have as little relations to life as some treatises, shall we say, in economics—in the earlier period, of course. But politics itself is full of life and action, of dramatic situations and interesting moments.

It sometimes seems that we political scientists take ourselves and our subject too soberly, although I grant that we have never been called the dismal science. My fellow-townsman, Mr. Dooley, was one of the greatest teachers in politics in his time, although he was never awarded a doctor's degree, *honoris causa* or otherwise. No one of us has ever even written a dissertation on the important function of humor in political affairs. Even the delightful Leacock is tremendously serious about politics, about imperial politics. I have sometimes thought it would be worthwhile to write a history of political unreason, folly and prejudice, in order to balance sundry discourses on political theory, and to offset the possible conclusion from them that all political action is likely to follow the lines of thought indicated by the great masters of systematic political speculation.

The truth is that we students of politics work under some difficulties. We are expected to be practical, but if we were

actually to expound existing practice, our work, unlike that of the custodians of military science, would necessarily be rearranged materially. I was once asked for my memorandum on grafting by an incoming official whose reputation for the development of what economists sometimes call the acquisitive instinct was somewhat greater than that for scientific objectivity, but felt obliged to refuse. We do not teach all that we have learned and are driven to teach sometimes what we are not so sure of. Otherwise we should have manuals on the art of grafting, urban, rural, state, national and otherwise; or courses in demagogery with special reference to local conditions; or perhaps research in bootlegging with criminal law and chemistry as prerequisites; or seminars in tax dodging, with economics, statistics and accounting required; or on deception and intrigue, with ethics and diplomacy expected.

There is, in sober fact, no reason why courses might not be given in many categories of political action as legitimate as the nine set types of legislative, executive and judicial, or local, national and international, or monarchical, aristocratic and democratic. We might have studies in the use of force in political situations, and its opposites, passive resistance and noncoöperation. We might consider the nature of political interests; we might discuss the use of magic, superstition, and ceremonialism in politics; we might inquire into propaganda; into the actual process involved in conference, so significant a function in modern affairs; or the maintenance of political morale; or leadership, obedience, coöperation; or the causes of war as well as its diplomatic history and law. We might conceivably develop a wide variety of similar types of political situations and processes, quite apart from the established nine categories, and perhaps corresponding more closely to the facts of political life. The interesting thing about such studies is that while they are primarily political, they have an application to many other forms of social organization; and, if they could be further developed, they would tend to throw light upon many types of social processes. These, I concede, are not orthodox windows, but it might be possible to see through them or others like them. All architecture need not be Gothic.

Some day we may take another angle of approach than the formal, as other sciences tend to do, and begin to look at political behavior as one of the essential objects of inquiry. Government, after all, is not made up merely of documents containing laws and rules, or of structures of a particular form, but is fundamentally based upon patterns of action in types of situations. The political artist is entirely familiar with many of these patterns, and develops a form of control based on them. But the student is likely to be so oppressed by the weight of forms and structure, of rules and rulings, that he cannot look behind erudition and sophistication into the forces, rational and otherwise, upon whose interplay any system of order rests, and in whose reorganization intelligence might play a more important part. The selection of problems for scientific analysis is, after all, one of our greatest tasks, and they do not always follow the lines of established institutions. Problems often cluster around institutions, but it is also true that institutions may be built around problems. Variations in social life force us to revise or reconcile old attitudes or conduct with the new; and here we come upon new problems, new theories, new institutions perhaps.

It seems to me that we are on the verge of significant changes in the scope and method of politics, and perhaps in the social sciences as a whole.

The relation of politics to statistics I have discussed elsewhere and perhaps need only pause to indicate my hearty approval of the admirable address of Mitchell before the American Economic Association last year. The quantitative study of economic and other social phenomena holds large possibilities of fruitful inquiry, providing of course that the numbers and measurements are related to significant hypotheses or patterns. Even where categories may not be fundamental, as that of price in economics or the vote in politics (both symbols of situations), or are frankly fictitious or provisional, the statistical analyses may serve a useful purpose.

Whatever other advances are made, two appear to be inevitable. One is toward greater intensity of inquiry, and the other is toward closer integration of scientific knowledge centering around political relations.

Most students of government are spread out so broadly over so wide a field that they are likely to get aëroplane views rather than the high-power microscopic examination of problems that is so essential to penetrating understanding. This is perhaps unavoidable in a transition period where personnel is small, and where desperate situations clamor for emergency action rather than research. But in the longer reach of time, closer concentration will come. Indeed it is now appearing.

Likewise we are likely to see a closer integration of the social sciences themselves, which in the necessary process of differentiation have in many cases become too much isolated. In dealing with basic problems such as those of the punishment and prevention of crime, alcoholism, the vexed question of human migration, the relations of the negro, and a wide variety of industrial and agricultural problems, it becomes evident that neither the facts and the technique of economics alone, nor of politics alone, nor of history alone, are adequate to their analysis and interpretation.

In reality, politics and economics have never been separated, or at least not divorced. There is rarely, if ever, a political movement without an economic interest involved; or an economic system in the maintenance of which the political order is not a vital factor. There was a strong flavor of tea and taxation in our revolutionary bills of rights, and there is a definite relation between investments and political order today. The oft-repeated fallacy that democracy was once concerned only with political forms, neglects the factor of land in early democratic struggles, forms, neglects the factors of land and taxation in early democratic struggles, corresponding somewhat to the industrial factor in our own day.

One of the basic problems of social organization is that of the relation between economic and political units of organization and authority. It affects the character of our urban, state, national, and international organization. But is this economics or politics?

Again, there are many methods of dealing with social deviations —through law, religion, economic and social sanctions. But how are these brought together in a pattern of human conduct? Is this a problem of any one discipline; and are not grievous errors

due to the effort to separate these threads without bringing them together again?

After all, it does not seriously matter what this integration is called, whether sociology or *staatswissenschaft* or anthropology or economics or politics. The essential consideration is that the point of view and the contacts are obtained and sustained in the various fields of social inquiry; that twilight zones are not allowed to lie neglected; that partial treatment does not twist and warp the judgment of social observers and analysts. The problem of social behavior is essentially one problem, and while the angles of approach may and should be different, the scientific result will be imperfect unless these points of view are at times brought together in some effective way, so that the full benefit of the multiple analysis may be realized. There is grave danger, however, that these precautions may be neglected and the special disciplines in the social fields may be ignorant each of the objectives, methods, and results of the other, and that much overlapping and inadequacy will result. Our allies the sociologists have undertaken to remedy this situation by a brave attempt to develop a broader point of view and a wider synthesis, and in many ways they have rendered valuable service. But certainly we have not yet arrived.

Still more serious for the student of politics is the integration of social science with the results of what is called natural science—the reunion of the natural and the "non-natural" sciences. For more and more it appears that the last word in human behavior is to be scientific; more and more clearly it becomes evident that the social and political implications of natural science are of fundamental importance. It even seems at times that this is more evident to the natural scientists than to the social scientists, who at times concede the impossibility of more scientific social control of human conduct.

Biology, psychology, anthropology, psychopathology, medicine, the earth sciences, are now reaching out to consider the application of their conclusions to social situations. Their representatives have arrived in Congress, in the workshop, in the court, in the field of personnel. What shall be the attitude of politics and

social sciences to these new developments and these new challenges? Shall we hold them in contempt of court, these irreverent natural scientists, or shall we ostracize them till they submit to our laws; or shall we outvote them; or shall we merely ignore them, and go our way? No, we cannot leave them, for alas, the natural scientist may be as full of social prejudices as an egg is full of meat; and not a few indeed are compounded of social views now a generation old and the present prejudices of their immediate entourage, economic and social. If they are to govern the world they must and doubtless will learn more of politics and social relations. Perhaps they are more impressed with the significance of the social implications of natural science than we are.

We cannot avoid the question whether there is any relation between the psychological and biological differentials and systems of government. The nature and distribution of human equality has been recently explored by inquiring psychologists, and politics cannot escape the examination of the implications of these studies. The somewhat disorganized state of psychology, and the rashness of some of its champions in flourishing these I. Q's need not blind us to the fundamental character of the problems that are being raised.

Have modern scientific doctrines regarding heredity and eugenics any bearing upon the foundations of our political and economic order? Childs, in his physiological foundations of behavior, and Herrick, in his neurological foundations of animal behavior, have raised many interesting problems on the border line of political conduct. What relation have they to our quest for political truth?

What bearing have the earth sciences such as geology and geography on the problems of politics? What rôle does environment play in the complex product of government? At what point shall the geneticist, the environmentalist, and the student of social and political control come together, combine their results, and start anew?

What shall we do with the wide areas of irrelevancy disclosed in the background of much of our social thinking? We are familiar with the economic interpretation of politics, but are there not

other unsurveyed areas of equal importance? Dr. Mayo would say, I suppose, if a man is a violent radical or reactionary, do not argue with him; send him to the clinic. You may relate this obsession or hysteria to spasticity of colon, or a disordered salt balance, or blood pressure, or lack of "relevant synthesis," or a twisted experience, or other medico-psycho-pathological cause of the type so impressively laid before us, and sometimes with such convincing results. What is the effect of fatigue, diet, emotion, upon certain types of political thinking and action? Sooner or later we shall find it necessary to survey these wide reaching areas of irrelevancy in political thinking and determine their relation to political behavior and political control. The process may be delayed, but in the long run it cannot be avoided.

What is the bearing of certain primitive survivals of human political and social nature of the early types found by anthropologists? I am not suggesting any relationship between a nominating convention and an Indian war dance, but there are better cases.

Is it possible to build up a science of political behavior, or in a broader sense a science of social behavior with the aid of these new elements, of these newly developing materials? Perhaps not, in their present ragged form; but looking forward a little, there are many interesting possibilities.

At any rate, it becomes increasingly evident that the basic problems of political organization and conduct must be resurveyed in the light of new discoveries and tendencies; that the nature of mass rule must be reëxamined; that the character and range of popular interest in government and the methods of utilizing it must be reëxplored; that we must call in science to help end war as well as to make war; that the mechanisms and processes of politics must be subjected to much more minute analysis than they have hitherto received at the hands of students of government, from a much broader point of view, and from different angles.

The whole rationale and method of government is involved in these days of Lenins, Mussolinis and Ghandis on the one hand and Einsteins and Edisons on the other. Out of what material

shall be woven the political fabric of the next era, if not from more intelligent and scientific understanding and appreciation of the processes of social and political control? If scientists cannot help, there are many volunteers who will offer their services, and some may be both pig-headed and rough-handed.

The particular pattern of problem, the special form of technique, whether statistical or anthropological or psychological or other logical, is not important; or what the product is labelled. But this is fundamental—that politics and social science see face to face; that social science and natural science come together in a common effort and unite their forces in the greatest task that humanity has yet faced—the intelligent understanding and control of human behavior.

It may well be urged that greater intensity of inquiry and greater breadth of view are wholly impossible; in short, that the new integration cannot be realized. Alas, this may be true. It may well be said, how can one man know anything useful about law, politics, medicine, psychology, economics, sociology, statistics, and so on? How indeed can he? On the other hand, how can he know about politics and be ignorant of the fundamental factors in human behavior? The dilemma of politics is characteristic of our time, and perhaps our time itself is impossible. One of the great tragedies of our age is the high specialization of knowledge and the lack of unity in central wisdom. The shadow falls over the whole of our thinking and behavior. But this problem is not peculiar to politics; it runs through modern life. I do not know the answer; for either to proceed in ignorance of what we ought to know, or to attain that knowledge seems equally difficult, and necessary.

After all, men trained in one special technique with a broad background of contacts and relations in many others will find their way through what may now seem only a maze. We may find it necessary to begin social training earlier and pursue it longer. Yet if Governor Smith can direct the attention of Tammany Hall to the importance of science in relation to government, as he did in his striking communication of last September, surely the pioneers in the field of political research need not

tremble and twitter for fear they may be regarded as too far ahead of the times.

I am not optimistic of any type of promised land of politics such as that sketched by Plato, or later in the broader field of social relations by Comte. These were complacent philosophical gestures conjuring new worlds from airy hypotheses, unverified and with no verification sought. We may be happy in the comfortable obsession that the startlingly imminent approaches to the penetralia of biological and psychical nature will bring with them immeasurable opportunities for more intimate understanding of the political behavior of men, in forms and ways which not even the hardiest forecaster would venture to predict.

A freer spirit, a forward outlook, an emancipation from clinging categories now outgrown, a greater creativeness in technique, a quicker fertility of investigation, a more intimate touch with life, a balanced judgment, a more intense attack upon our problems, closer relations with other social sciences and with natural science,—with these we may go on to the reconstruction of the "purely political" into a more intelligent influence on the progress of the race toward conscious control over its own evolution.

In any case, this is not the task of a day. None of those who formed the Political Science Association twenty-one years ago will see a revolution in political or social science, and perhaps our present dream is only one more of those dominant but deceitful reveries so common in all walks of life. Fundamental readjustment is the problem of another and younger generation, now happily moving forward to take over an unfinished work. We welcome them—those who will celebrate the Association's next cycle of twenty-one years—as they take their seats in our meetings and councils, with a brooding interest and affection they cannot surmise. We rely confidently on their insight, technique, judgment, and vision to effect the more perfect development of a science on which we labored long but left so much to do.

LATIN AMERICA AND THE LEAGUE OF NATIONS

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To students of international relations it has become almost a commonplace that among the most significant and permanent results of the World War has been the changed international status of the republics of Latin America. As a result of the war[1] and post-war developments in these states, the traditional New World isolation in South America, as well as in North America, is a thing of the past. To our leading sister republics is no longer applicable the half-contemptuous phrase, current in the far-off days before 1914, that Latin America stands on the margin of international life. The new place in the comity of nations won by a number of these states is evidenced—to take one of the most obvious examples—by the raising of the legations of certain non-American powers to the rank of embassies, either during or immediately after the war. In the case of Brazil, for instance, where prior to 1914 only the United States maintained an ambassador, at the present time Great Britain, France, Italy, Belgium, Portugal, and Japan maintain diplomatic representatives of this rank.

Yet all things considered one of the most fruitful developments in the domain of international relations has been the share taken by our southern neighbors in the work of the League of Nations. All[2] of the Latin American republics which severed relations with

[1] It will be recalled that eight of these republics,—Brazil, Costa Rica, Cuba, Guatemala, Haiti, Honduras, Nicaragua, and Panama,—declared war against Germany; and that four—Bolivia, Peru, Ecuador, and Uruguay—severed diplomatic and commercial relations. *Cf.* P. A. Martin, "Latin America and the War," *League of Nations*, August, 1919.

[2] An exception should be made in the case of Costa Rica. Although the Costa Rican government had declared war against Germany, it was unrecognized by the United States or the nations of the Entente and its delegates were not admitted to the Peace Conference. In 1920, however, Costa Rica was admitted to the League.

Germany or declared war against that country were entitled to participate in the Peace Conference. As a consequence, eleven[3] of these states affixed their signatures to the Treaty of Versailles, an action subsequently ratified in all cases except Ecuador. Since the Covenant was an integral part of the Peace Treaty, these powers also became members of the League of Nations. By the terms of an annex to the Covenant other states were invited to join the League. Among these were Argentina, Chile, Colombia, Paraguay, Salvador and Venezuela, all of which accepted. With the exception, therefore, of Mexico, Ecuador, and the Dominican Republic, all of the Latin American republics are at the present writing members of the League of Nations.

Unfortunately, space will permit only a brief discussion of the share of the Latin American powers in the activities of the League. It should be made clear at once that the majority of these countries have evinced a sincere desire to further the work of the League within the limits of their capacity. Although no one would pretend that the rôle which they have played in the meetings of the Council and Assembly has been decisive, it has not been lacking in importance or dignity. Representing thirty-six per cent of the total membership, Latin America's participation in the League, in point of numbers alone, has been impressive.[4] A glance at the personnel of the important committees and at the names of the presidents and vice-presidents of the Assemblies will reveal the presence of some of the most distinguished men in the public life of the states to the south of us. It is worthy of record that Latin America has been represented as a nonpermanent member of the Council ever since the League came into existence.[5] The Latin American delegates also took an active

[3] Bolivia, Brazil, Cuba, Ecuador, Guatemala, Haiti, Honduras, Nicaragua, Panama, Peru, and Uruguay.

[4] On November 10, 1920, a resolution was presented to the First Assembly signed by fourteen of the Latin American states, Spain, Great Britain, Switzerland, and Belgium, proposing that Spanish be considered one of the official languages of the Assembly. This body voted against this proposal partly on the grounds that the use of a third official language would entail unnecessary expense. League of Nations, *The Records of the First Assembly*, pp. 172-173, 219-223.

[5] In fact, Brazil had the honor to be mentioned in Article 4 of the Covenant itself as one of the nonpermanent members of the Council until the First Assembly could elect others.

interest in the creation of the Permanent Court of International Justice. In the election of the eleven judges constituting this court two Latin American jurists, Dr. Antonio Sánchez de Bustamante of Cuba and Dr. Ruy Barbosa of Brazil were chosen on the first ballot.[6]

In our discussion of Latin America's relation to the League only two episodes call for special mention. The first was the demand of Bolivia for a revision of the treaty of 1904 with Chile. It will be recalled that the purpose of this instrument had been to settle, it was hoped once for all, difficulties between the two countries growing out of the War of the Pacific. The most important provision of the treaty was the recognition on the part of Bolivia of Chile's ownership of the former Bolivian province of Antofagasta, in return for Chile's promise to construct a railway line from Arica to La Paz. But the Bolivians had never been satisfied with the treaty, which debarred their country from all access to the sea. At the meeting of the First Assembly Bolivia asked to have placed upon the agenda of the Second Assembly her demand for the application of Article 19 of the Covenant to the Treaty of 1904. This article provides:

> The Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable and the consideration of international conditions whose continuance might endanger the peace of the world.

Bolivia's demands for a revision of the treaty were based on the contentions that the treaty had been imposed by force, that Chile had failed to carry out its fundamental articles, that existing conditions constituted a menace of war, and that as a result of the treaty Bolivia had been denied all access to the sea.[7]

The Chilean delegation, headed by Sr. Agustín Edwards, was unalterably opposed to the consideration of the Bolivian demands by the Assembly. In an address delivered on September 7, 1921,

[6] On the death of Ruy Barbosa (March 1, 1923) Dr. Epitacio Pessôa, former President of Brazil, was elected one of the judges of the court.

[7] League of Nations, *Records of the First Assembly*, Annex A, pp. 595 ff. República de Chile, Ministerio de Relaciones Exteriores, *Chile y la Aspiraciôn de Bolivia á Puerto en el Pacífico* (Santiago, 1922), p. 47.

Sr. Edwards insisted on the absolute incompetency of the League to revise existing treaties. Such a right, if exercised, would mean that the League would have to take upon itself the task of revising the map of the world "and this League, created to consolidate peace, which is based on the respect for treaties, would unchain universal war." Article 19 of the Covenant is not pertinent, as the Treaty of 1904 is in no sense inapplicable and is not a menace of war. Sr. Edwards also pointed out that by the terms of Article 21 of the Covenant, dealing with regional understandings like the Monroe Doctrine, the Assembly had no competency in purely American affairs such as those brought forward by Bolivia.[8]

After hearing the arguments of Sr. Edwards and the replies of the Bolivian delegates the Assembly was apparently in some doubt as to its competency to deal with this question. At the instigation of President Van Karneebeck, both the Chilean and Bolivian delegates finally agreed that the question should be submitted to a commission of jurists, who on September 21 reported that "the demand of Bolivia was inadmissable, as the Assembly of the League of Nations cannot modify on its own accord any treaty, such modification being solely within the competency of the contracting states."[9] Bolivia accepted the decision of the commission, at the same time reserving the right to bring up the question in the future.[10] Up to the present writing she has made no further effort to assert this right.

The other episode which demands brief discussion was the sudden and spectacular withdrawal of Argentina's delegation from the meeting of the First Assembly and her abstention from later meetings of this body. Although the action of Argentina has been the occasion of much comment and discussion, the full history of the relations of the Platine republic to the League yet remains to be written. Only the larger aspects of the problem will be noted here.

[8] *Chile y la Aspiraciôn de Bolivia á Puerto en el Pacífico*, pp. 47, 50-56. League of Nations, *Provisional Verbatim Report of the Second Assembly*. September 7, 1921, pp. 1-3.

[9] *Chile y la Aspiraciôn de Bolivia*, p. 63.

[10] *Ibid.*, p. 68.

At the conclusion of the war there seemed every reason to believe that Argentina would be one of the most enthusiastic champions of the League of Nations. Dr. Honorio Pueyrredón, the minister of foreign affairs, and chief of the delegation to the First Assembly, had been throughout the war a staunch supporter of the Allies. This was likewise true of Dr. Marcelo T. de Alvear,[11] at that time minister to France and also a member of the Argentine delegation. The government itself took an active interest in the organization of the League. As early as July 12, 1919, only two weeks after the signing of the peace treaty, the Buenos Aires foreign office instructed the Argentine minister in France that the "Executive Power has determined to adhere to the League without any reservation."[12] It should also be noted that this step was taken without any official sanction of the Argentine Congress.[13]

But shortly after the opening of the Assembly in the autumn of 1920 it became clear that President Irigoyen was disposed to modify Argentina's "unconditional adhesion" of the previous year. On November 17, Sr. Pueyrredón, acting on instructions from his government, outlined certain proposals whose adoption Argentina regarded as essential. These proposals were: (1) the admission of all sovereign states to the League, should they desire to become members; (2) the election of all members of the Council by a majority vote of the Assembly instead of giving permanent tenure of five places to the great powers; and (3) the establishment of a permanent court of international justice, joined with the principle of compulsory arbitration and compulsory jurisdiction.[14]

[11] It is perhaps superfluous to point out that at the present time (1925) Dr. Pueyrredón is Argentine ambassador to the United States and Dr. Alvear president of the republic.

[12] E. S. Zeballos, "La República Argentina en la Liga de las Naciones," being a series of editorials appearing in *La Prensa* in 1920 and 1921, p. 8.

[13] The Argentine constitution explicitly provides that no treaty can be valid without the sanction of Congress. All the other American powers adhering to the Covenant—an integral part of the Treaty of Versailles—submitted the organic charter of the League to their respective parliaments for discussion and approval.

[14] League of Nations, *Records of the First Assembly* (1920), pp. 87 ff.

These proposals call for no detailed analysis. At this juncture, with the League barely launched on its hazardous career, their adoption would have been both inexpedient and injudicious. It was generally recognized that eventually Germany would be invited to adhere to the League; but in 1920 the time was unpropitious. The adoption at this time of the second proposal would have gravely compromised the usefulness of the League. The success of the League necessarily depended upon the extent to which the great powers were willing to lend their support and coöperation. Such support would certainly have been weakened were the membership of the Council to be entirely determined by the votes of the forty-odd[15] powers which then made up the Assembly. The third proposal, if presented alone, would have won much support, as it anticipated the efforts of the Assembly to draw up a plan for a World Court.

It should be noted that the Argentine delegation did not submit these proposals in the form of amendments. It preferred to await the action of the Assembly on a number of amendments submitted by the Scandinavian delegates, which had as their chief objectives the strengthening of the principle of compulsory arbitration and a more democratic method of selecting members of the Council. The question as to whether or not the Covenant should be amended was submitted to Committee I (on amendments) for study and report. On being informed of this action by Sr. Pueyrredón, the Argentine foreign office instructed the delegation not to participate in the labors of the Assembly in any manner until a definite and categorical announcement had been made in reference to the admission of all sovereign states to the League. In case of refusal to act upon the Argentine proposals, or in the event of an adjournment of their consideration, the Argentine delegation was immediately to withdraw, after having presented a note in which were explicitly set forth the point of view and ideals which Argentina upheld in this hour "pregnant with significance for the destinies of civilization."[16]

[15] At the present time (1925) fifty-five powers are members of the League.

[16] Torello (acting minister of foreign affairs) to Pueyrredón, November 20, 1920. *Revista Argentina de Ciencias Políticas*, 1921, p. 156.

This intransigent attitude of the Argentine Executive aroused the misgivings of the delegates. On November 23, Sr. Alvear recalled to the President that as a consequence of Argentina's unreserved adhesion to the League she had assumed the obligations of an active member. Modifications of the Covenant such as the Argentine government proposed could be adopted by the League only in the manner specifically provided by the constitution of that body. Moreover, both the adhesion to the League and the withdrawal from it were matters of such transcendent moment that responsibility for them should be shared by Congress. Separation from the League in the manner envisaged by the government would embark Argentina on a dangerous international policy.[17] Sr. Pueyrredón, although not going as far as his colleague, also deprecated the idea of a rupture. He was confident that all the sovereign states, including Austria and Bulgaria, would be invited to join the League. This invitation, to be sure, was not to be extended to Germany and Mexico; but these states had manifested no desire to be admitted. "As a consequence," he wrote, "our wish will in point of fact be realized; the Argentine theory is triumphing in the world conscience."[18]

In reply to these dispatches the Buenos Aires foreign office reiterated in a peremptory manner its previous instructions relative to Argentina's withdrawal in case her demands were not met in full.[19]

On December 2, 1920, at its twelfth plenary meeting, the Assembly listened to the report of Committee I, to which had been referred all amendments to the Covenant. The report as presented by Mr. Balfour was against the consideration of any amendments at the present session. It was freely conceded that the Covenant had its defects; "it was not thought out or inspired by Heaven, immutable and perfect in all its parts, never to be changed, modified or improved." But such changes, at present inopportune, should wait upon the League's greater experience. It was therefore recommended that the proposed amendments

[17] *Ibid.*, p. 454.
[18] Dispatch of November 24. *Ibid.*, p. 157.
[19] Dispatch of November 28. *Ibid.*, p. 160.

"shall not be taken into consideration by the Assembly" and "the Council be invited to appoint a Committee to study the said proposals of amendment." The Assembly adopted a resolution in harmony with Mr. Balfour's report, the only dissenting vote being that of Argentina.[20]

The adoption of Mr. Balfour's report was the immediate occasion for the withdrawal of the Argentine delegation; this despite the fact that no amendment proposed by the South American republic had come before the committee. None the less, the delegation regarded the committee's adverse report as fatal to its own contentions. It was not so much the fact that the Scandinavian proposals embodied points included in the Argentine program as the fact that the acceptance of the committee's report meant that no amendments to the Covenant—Argentine or otherwise—would be considered by the First Assembly.

At the plenary meeting of December 6, the president of the Assembly read a statement from Sr. Pueyrredón interpreting Argentina's attitude:

> Our country saw in the proposed League the birth of a new and beneficent instrument for peace . . . . and in the amendments to the Covenant it saw the prospect of coöperation in perfecting the Constituent Charter of the League. . . . . We believed that they (the proposed amendments) would be considered at the earliest opportunity, as they are an integral part of the problems which concern the very basis of the constitution of the League. The vote of the Assembly has closed the question. . . . . The chief aim of the Argentine Government was to coöperate in the work of drawing up, by means of amendments to the Covenant, a charter in which it was hoped it would be possible to embody the ideals and principles which Argentina has always upheld in international affairs and from which she will never deviate. When once this aim has disappeared, owing to the postponement of the amendments, the moment has arrived for Argentina's coöperation in the work to cease. . . . . For the above reasons, and in accordance with the instructions received from my Govern-

[20] League of Nations, *Records of the First Assembly* (1920), pp. 246 ff.

ment, I have the honour to inform . . . . the Assembly that the Argentine delegation considers its mission at an end.[21]

The publication of the confidential correspondence which passed between Geneva and Buenos Aires on this occasion revealed a sharp divergence of opinion among the delegates on the question of Argentina's policy. On December 3, during the preparation (it would seem) of Sr. Pueyrredón's letter of withdrawal, Srs. Alvear and Pérez[22] sent a joint dispatch to President Irigoyen in which they went on record as entirely disassociating themselves from the views of the head of the delegation. After pointing out that the action of the Assembly did not necessarily signify the rejection of the Argentine contentions, they stressed the point that the Argentine proposals were merely placed on the same basis as those of the Scandinavian and other countries, none of which felt called upon to withdraw from the League or to cease to collaborate in its beneficent activities. Argentina's attitude was injudicious and her withdrawal inopportune. In conclusion, they asked the President duly to note their declaration in order to relieve them from all responsibility for the act which had just been performed.[23] President Irigoyen's reply was in the form of a personal letter to Sr. Alvear in which he stated that his and Sr. Pérez's arguments had been fully met in the instructions furnished Sr. Pueyrredón.[24] It is worthy of note that these instructions—characterized by President Irigoyen as explicit and categorical—have never been published and in the opinion of the Argentine publicist Zeballos were never written.[25]

The spectacular withdrawal of Argentina naturally gave rise to many comments, the great majority unfavorable. With the exception of the government mouthpiece, *La Epoca*, the press

[21] *Ibid.*, pp. 276-277. On December 6, two days after the date of Sr. Pueyrredón's letter of withdrawal, the Argentine motion for the admission of all sovereign states to the League came before the Assembly and was disposed of in the manner recommended by Mr. Balfour's committee. *Ibid.*, pp. 279 ff.

[22] Sr. Pérez, the third member of the Argentine delegation, was also Argentine minister to Austria.

[23] *Revista Argentina de Ciencias Políticas*, 1921, pp. 435-436.

[24] Dispatch of December 30, *Ibid.*, pp. 436-437.

[25] Zeballos, *passim*.

of Buenos Aires judged the attitude of the President severely. Thus *La Nación* declared on December 6:

> Like the conquered peoples we remain outside of the League. While for them this situation is a tragic result of defeat, while for the United States it is a complication growing out of the Treaty of Versailles, which as a victorious nation she was at liberty to accept or refuse, . . . for us it is a flight, it is something more grave than a defeat; it is a subject of ridicule.

President Irigoyen's hope that the public opinion of the remaining Latin American countries would rally to his support likewise proved deceptive. None of the Latin American nations represented in the League evinced the slightest disposition to follow Argentina's example. The pronouncements of the leading public men in these countries were almost uniformly unfavorable.[26] Dr. Rodrigo Octavio, head of the Brazilian delegation, described the withdrawal of Argentina as a "desertion."[27] Sr. Alejandro Alvarez, the well-known Chilean authority on international law, declared it was a case of Argentina being wounded in her self-esteem (*amour propre*).[28] Fully as caustic were the comments of the statesmen and publicists of Europe. For example, Lord Robert Cecil, while expressing sympathy with the Argentine proposals, added that "if every member of the Assembly were to take the line which the Argentine delegation has taken, no progress would have been possible."[29]

There is some ground for the belief that President Irigoyen felt that Argentina had withdrawn, not from the League, but merely from the Assembly, and that such withdrawal was purely temporary. On these points, when questioned by a representative of a New York daily, he refused to commit himself.[30] But if the President is to be judged by his actions rather than his utterances

[26] As a striking exception may be noted the utterances of the Chilean historian, diplomat, and senator, Sr. Gonzalo Bûlnes. He warmly supported Argentina's action and urged the withdrawal of Chile as an act of solidarity with her eastern neighbor. *Associated Press* dispatch of December 23, 1921.

[27] Zeballos, p. 64.

[28] *Ibid.*

[29] League of Nations, *Records of the First Assembly* (1920), p. 278.

[30] *Ibid.*, p. 78.

he may well have regarded the break as definitive. During the remainder of his term of office the work of the League was persistently ignored. Argentina refused, for example, to participate in the International Labor Conference held at Barcelona in 1921;[31] nor did she make any move to meet her quota of the League's budget. Whatever may have been the juridical relations between the South American republic and the League of Nations, the *de facto* severance seemed to be complete.

It is not easy to arrive at any satisfactory interpretation of President Irigoyen's intransigent attitude. The explanations as given in the correspondence exchanged with the Argentine delegates shed little light on the problem. They are for the most part confined to cloudy generalizations on the necessity of all sovereign states being treated on a plane of equality and on the rôle which should devolve upon Argentina in the world-dispensation. Thus in his note of December 30, 1920, to Sr. Alvear, President Irigoyen declared:

> We are trying to assure and consolidate the personality of Argentina in the international order by placing it in a temple of honor, right, and justice.[32]

In so far as the policy of the Argentine executive lends itself to analysis, it reveals an oscillation between a fervid, though impractical, ideology on the one hand and an intense and parochial nationalism on the other. There is reason to believe that the President hoped that Argentina might assume a leadership among the Latin American powers in demanding that the League be reorganized upon an absolutely democratic basis. In this he failed, just as he had failed to assemble during the course of the war a Congress of Neutrals under the auspices of Argentina. Neither during the World War nor at Geneva did Argentina's foreign policy reveal a firm grasp of political realities.

With the completion of President Irigoyen's term of office came the opportunity to end what many Argentines regarded as an humiliating situation. In 1922 was elected to the presidency

[31] *Le Temps*, March 11, 1921.

[32] *Revista Argentina de Ciencias Politicas*, 1921, pp. 436-437.

Dr. Marcelo T. de Alvear, the member of the Argentine delegation who had most strongly deprecated his country's withdrawal from the League. As a result of his urgings the Chamber of Deputies in 1923 voted Argentina's quota for the expenses of the League and in June, 1924, in his annual message, he urged Congress formally to sanction Argentina's adhesion to this body. It seems only a question of time, therefore, until Argentina will take the place in the deliberations at Geneva to which her influence and prestige entitle her.

While the post-war years have unquestionably brought improvement in the relationships between the United States and her sister republics, at the same time it can hardly be doubted that the World War has created, or rendered more acute, certain problems whose solution is indispensable if these gains are not to be lost. Of these problems perhaps the most baffling is the relation of the League of Nations to the Monroe Doctrine. The place of this cardinal principle of American diplomacy in the new dispensation was indicated by President Wilson in his address to Congress on January 22, 1917, in which he proposed that "the nations should with one accord adopt the doctrine of President Monroe as the doctrine of the world; that no nation should seek to extend its policy over any other nation or people, but that every people should be left free to determine its own policy, its own way of development, unhindered, unthreatened, unafraid, the little along with the great and powerful." This idea was reflected in Article x of the Covenant according to which "the members of the League undertake to respect and preserve against external aggression the territorial integrity and existing political independence of all members of the League."

When the terms of the Peace Treaty became known Article x was the object of bitter attack in the United States on the ground that its acceptance would mean the end of the policy of non-entanglement in European affairs. It was also charged that with the extension of the Monroe Doctrine it would cease to be the "time-honored, self-protective policy of the United States." A distinguished American diplomat even wrote of the "betrayal

of the Monroe Doctrine."[33] The framers of the Covenant had hoped to anticipate the objection that Article X would deprive the Monroe Doctrine of its American character through the inclusion of Article XXI which declared that nothing in the Covenant "shall be deemed to affect the validity of international engagements, such as treaties of arbitration or regional understandings like the Monroe Doctrine, for securing the maintenance of peace." Yet, even with this interpretation, Article X was unacceptable to many members of the Senate and was one of the reasons for the failure of the United States to ratify the peace treaty.

The present situation is fraught with disquieting possibilities. By the terms of the Covenant all but three of the Latin American nations share with each other and with the remaining members of the League certain duties and obligations from which the United States is excluded. By the terms of Article X their territorial integrity and political independence are guaranteed by a body of powers, the majority of which are non-American. By Articles XIII and XV of the Covenant the members of the League agree to submit all disputes likely to lead to a rupture to arbitration or to inquiry by the Council of the League. Should any of the Latin American nations belonging to the League decide to submit such disputes to the Council without reference to the United States, or, in case of conflicts with other powers, elect to appeal to the League for protection by virtue of Article X, the problem would at once arise as to whether or not the United States would abandon the Monroe Doctrine to the extent of permitting a body of powers to which she did not belong to settle controversies to which other American states were parties. Though a satisfactory answer to this question can hardly be offered at the present time, one may hazard certain conjectures. There would apparently be no disposition on the part of the Washington government to object to recourse to the good offices of the League on the part of any of the South American powers, provided the interests of the United States were not directly involved in the

[33] David Jayne Hill, "The Betrayal of the Monroe Doctrine," *North American Review*, November, 1920.

controversy. There is no evidence, for instance, that the United States opposed the attempt of Bolivia to secure a revision of the treaty of 1904 with Chile through the agency of the First Assembly of the League.[34] And it is hardly necessary to recall that in the past the Latin American republics have repeatedly submitted their boundary disputes to the arbitration of European powers.

It is a fair assumption, however, that the attitude of the Washington government would be radically different were any of the Central American or Caribbean republics involved. The boundary controversy between Costa Rica and Panama early in 1921 is important in this connection. On February 28, the General Secretary of the League instructed the advisers of the Council to investigate the dispute between the two Central American republics on the ground that both countries were members of the League. On March 4, the Council sent a cable dispatch to the foreign offices of Panama and Costa Rica reminding them of their obligations as members. Meanwhile, however, as a result of pressure from Washington both states had agreed to accept the mediation of the United States, although Panama denounced to the Council "the repeated acts of violence committed by Costa Rica," which country "deserves the punishment prescribed in such cases by the Covenant of the League."[35] Secretary Hughes, on March 14, put an end to all possibility of League action by calling attention to the Panama-Costa Rica treaty of 1915 providing for the submission of disputes to the United States as mediator. The League officials showed an almost indecorous haste in agreeing to this solution of the difficulty.[36]

In spite of Bolivia's appeal to the Assembly for the revision of her treaty with Chile, there seems little disposition on the part of the Latin American republics, either north or south of the

[34] "Sr. Aramayo, for Bolivia, informed the Associated Press that the chancellery of the United States had been consulted regarding Bolivia's application to the League before it was submitted and had decided that mediation by the League was not incompatible with the Monroe Doctrine," *Associated Press*, dispatch of September 7, 1921.

[35] Garay to Drummond (dispatch undated). League of Nations, *Official Journal*, (1921), p. 214. *Cf.* also *New York Times Current History*, Vol. XIV (1921), p. 151.

[36] *Ibid.*

isthmus, to utilize the machinery of the League for the solution of exclusively American problems. Highly significant, for instance, was the action in the First Assembly of the Chilean delegation which, basing its contention on Article XXI, insisted, as we have seen, upon the absolute incompetency of the League to take cognizance of Bolivia's demand, inasmuch as this was a purely American matter.[37] Nor is it irrelevant to recall that when Chile and Peru finally agreed to submit to arbitration their long-standing dispute over Tacna and Arica they preferred the good offices of the United States to those of the League of Nations.

Yet it can hardly be doubted that at the present time the inclusion of both Article X and Article XXI in the Covenant constitutes a very real dilemma for the Latin American members of the League. It might conceivably mean that under certain circumstances a Latin American country would have to choose between the League and the Monroe Doctrine. To call upon the League to guarantee such a country's territorial integrity by virtue of Article X might well call forth the active opposition of the United States. To fall back upon the Monroe Doctrine would mean protection from Europe but not necessarily from the United States.[38]

Various ways out of this *impasse* have been suggested. The adherence of the United States to the League of Nations would undoubtedly clarify the situation, although the exact relation of Article X to Article XXI would still have to be defined. A project broached by President Balthazar Brum in 1920 may ultimately prove a solution. Dr. Brum advocated an "American League" formed on the bases of the absolute equality of all the associated

[37] *Chile y la Aspiración de Bolivia á Puerto de Bolivia en el Pacífico*, p. 47.

[38] Dr. Alejandro Alvarez, one of the Chilean delegates to the Third Assembly, in a notable address before that body pointed out certain advantages which in his judgment the Monroe Doctrine had over Article X. The latter does not prevent a state from ceding part of its territory or placing itself under the protection of another state; it does not forbid a state defeated in war to cede a part of its territory to the victor; it does not oppose the temporary occupation of the territory of another state as a measure of coercion or reprisals; finally, it does not oppose the intervention of one state in the internal affairs of another. All of these practices, according to Dr. Alvarez, would be contrary to the Monroe Doctrine if one of the states were an American and the other a European. *L'Amérique Latine* (Paris), October 7, 1923.

powers.[39] This league would jointly consider all American problems and would undertake to defend each of the members against aggression from Europe or from another American power. All controversies should be submitted to the arbitration of the league. This American League would not be antagonistic to the League of Nations; it might be considered, in fact, as a subcommittee of the latter body for the consideration of purely American questions. The practical results of the acceptance of Dr. Brum's proposal would be the conversion of the Monroe Doctrine into a Pan American doctrine—a course of action long advocated by a number of writers and statesmen of both continents. A league such as the Uruguayan president envisaged would not only be a concrete expression of American solidarity but would reflect the vastly enlarged community of interest between the United States and Latin America brought about by the War.

At least one effort was made to bring President Brum's aspirations within the domain of realities. When the program of the Fifth Pan American Conference, to be held in Santiago in 1923, was being drawn, up the Uruguayan government submitted the proposal, "to examine the formation of a league of American nations, without prejudice to the right of adhesion to the League of Nations, this American league to be constituted on the basis of the complete equality of members." This proposal appeared in a somewhat attenuated form as Article IX on the agenda of the programme in its final form.[40] But the Uruguayan proposal never came to a vote, due almost certainly to the opposition of the United States. In fact, the head of the United States delegation, Ambassador Fletcher, acting on instructions from Secretary Hughes, made it abundantly clear that the United States had no intention of relinquishing her sole right of interpreting the scope and meaning of the Monroe Doctrine and of enforcing it should occasion arise. In this respect Mr. Hughes' point of view

[39] "The organization of this League is in my opinion a logical sequence to the Treaty of Versailles, which in recognizing and expressly accepting the Monroe Doctrine seems to be desirous of limiting its sphere of action as far as American affairs are concerned." Quoted by James Brown Scott in editorial on President Brum's address in *American Journal of International Law*, vol. XIV (1920), p. 605.

[40] *L'Amérique Latine*, April 8, 1923.

did not differ from that of ex-Secretary Root: "Since the Monroe Doctrine is based on the nation's right of self protection, it cannot be transmuted into a joint or common declaration by American States or any number of them."[41]

At the present time there is little probability that the Monroe Doctrine will suffer any essential modification as a result of the World War or the establishment of the League of Nations. In theory at least, the Latin American republics will, in certain contingencies, still be confronted with the dilemma of choosing between the League of Nations and the Monroe Doctrine. In practice, however, it seems unlikely that such an embarrassment will arise. As we have already seen, there is a general disposition among the southern republics to withhold purely American problems from the purview of the League, and there is little inclination on the part of the League itself to assume jurisdiction over such problems. In other words, we have a tacit recognition of a comity of American powers in which a certain moral leadership is accorded the United States. But it is hardly necessary to add that in the long run this moral leadership can be maintained only by convincing our sister nations to the south, in the words of Secretary Hughes, that "there is room in this hemisphere, without danger of collision, for the complete recognition of the Monroe Doctrine and the independent sovereignty of the Latin American republics."[42]

[41] Address before the American Society of International Law, April 14, 1914.

[42] Observations on the Monroe Doctrine, *American Journal of International Law*, vol. XVII (1923), pp. 611-640.

VOLTAIRE'S POLITICAL IDEAS

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Among the men who have profoundly affected the development of mankind and have given their best energies to the promotion of toleration, reason, and justice, Voltaire stands without a peer. Gifted as he so evidently was by nature for intellectual leadership and literary supremacy in France and in Europe, he was never content with these honors alone. His prolonged activity was to mean more to the world than an author's gift of over half a hundred volumes, filled with flashing wit and sparkling with the brightness and charm of a brilliant writer. Upon everything in France Voltaire fastened his keen gaze, and with rare insight and remarkable discrimination he analyzed the situation, devoting his life to an attempt to win recognition of the essential and pressing need of his program of reform.

He had read the history of all nations and of all times, and had studied politics and literature, philosophy and science. He did not always go to the heights and depths of things unknown; he may even at times have been superficial. But with versatility far surpassing that of most mortals, with an adroitness in expression and thought, with flexibility in manner, he used his knowledge and pressed his cause, so that willing homage was paid to his gifts and genius by the man of moderate intelligence, by the philosopher, by the humble citizen, and by the sovereign. Yet, appreciated as Voltaire was by those who realized the importance of his endeavors, he had to submit to indignities from those who could have given him the most assistance. The powers in the state and church alike arrayed themselves against him. He endured the reproach and inconvenience of the *lettre de cachet*; he was an exile from France; he saw his books condemned by civil and papal authority. But through it all he pressed forward

and continued the warfare he had begun to wage. Small wonder if he sought more than once to evade the calumnies, to pander to the prejudices, of the opposition! Yet such seeming relaxations were redeemed by the vigor and sharpness of the new thrusts with which he resumed his life-long warfare. He seemed to come in the fulness of time, and his work was a light to the world. He was "the ideal man for his time";[1] yet "he was more than a man—he was an age, he was universal."[2]

From early manhood Voltaire had insisted on the privilege of thinking for himself. He would not live in servile submission to the opinions of others, and he demanded like freedom for all men. For centuries countless evils had abounded because reason had not enjoyed respect and recognition. Superstition and fanaticism and intolerance had run riot. As Voltaire himself said: "Superstition is the most dreadful enemy of the race. When it rules the prince, it hinders him from consulting the good of the people; when it rules the people, it makes them rebel against their prince."[3] It had long ruled the prince, and, as a result, the nation was in a wretched and deplorable condition. Laws were unfair and inadequate; justice was the lever of the privileged classes; taxes were arbitrary; and the people were ignorant and in misery. This monster superstition, together with its offspring fanaticism, not only possessed the state, but the church as well. The outcome the world knew. It was written on the pages of history in countless wars of wild fury and savage slaughter. The country, heir of its past, was swarming with contradictions. It was "a region of wit and folly, of industry and sloth, of philosophy and fanaticism, of gayety and pedantry, of laws and abuses, of just taste and impertinence."[4] Every institution in the political, social and religious world was contradictory—and all because reason was not enthroned in the place of authority in the state.

The only remedy for this "epidemical madness" which had wrought so much havoc and destruction was the spirit of phi-

[1] Morley, *Biographical Critique*, p. 1.
[2] Hugo, *Oration on Voltaire.*
[3] Voltaire, *Politique et Législation.* Vol. I, Article, "La Voix du Sage et du Peuple."
[4] Voltaire, *Dialogues*, Vol. I, Dialogue 16.

losophy which, if permitted, would extend from one end of France to the other, soften the manners and prejudices of men, and prevent the progress of that dread disease, superstition. More laws and more religion would not alone effect the changes necessary. Reason must reform the laws; reason must reform the abuses committed in the name of religion. Thus Voltaire ever attempted to teach men to hate superstition and injustice. He entreated those who had the reins of government in their hands, or those who were destined to fill the highest stations in the state, to examine for once whether there need be any apprehension that toleration and justice would occasion the same sufferings as rebellion and cruelty. Some, he said, pretend that humanity, indulgence, and liberty of conscience are horrible things. He would ask such persons if they could have produced calamities and irregularities comparable to those brought about through oppression and constraint.[5] In this way he made an appeal to reason and advocated a rational adjustment of what had been corrupted and distorted by a neglect of reason.

The best justification of Voltaire's argument for reason was its universal absence in the governments of Europe. By painful personal experience he had learned that arbitrariness and injustice ruled the activities of the state, and the events of his life strengthened his disgust and his antagonism toward the current oppression. No one circumstance which brought him into conflict with an arbitrary government so influenced his later political principles and ideas as his flight to England. Deprived of the privilege of residence in France by a capricious prince, Voltaire sought refuge across the English Channel. He remained there for three years (1726-29), an eager observer of the philosophical, literary, social, and political life of a free people. He found so many laws, institutions, and customs in such striking contrast to all he had known in France, that his sojourn in England was a never-ceasing revelation.[6] Harmony, he said, existed between the people and the sovereign, because the king was all-powerful to do good and, at the same time, was restrained from committing

[5] *Politique et Législation*, Vol. VII, pp. 368-380.

[6] *Mélanges Historiques*, Vol. 1, "Lettres sur les Anglais."

evil.[7] He became acquainted with nobles who were great, and yet were not tyrannical and insolent. "A certain power in Parliament but nowhere out of it—with few privileges, is all they enjoy." They also had more substantial, common-sense ideas than the peers of his country, and they did not consider a personal strenuousness beneath their dignity. They did not despise trade and, to the horror of a French lord of Voltaire's time, they actually at times interested themselves in commercial enterprises.

Naturally, Voltaire had his own opinion as to who conferred the more benefit on mankind—the flighty, fashionable French lord who never forgot the exact moment when the king arose or went to bed and who prided himself on doing the most menial task in the king's service, or the English merchant who helped to make his country more prosperous and her citizens happier and wealthier.[8] Nor did Voltaire find in England, as in France, poor peasants oppressed and burdened unnecessarily in order that the "dancing, flirting, snuff-taking" lords might live a little more luxuriously. On the contrary, the peasants were thrifty, prosperous, and happy. Both the peer and the commoner paid his share of the taxes according to his revenue; each contributed his quota. All English citizens were relieved of the *taille* and other superfluous taxes and, as a result, were happier, and lived more comfortable, wholesome lives than did his own countrymen.

All of these things made a lasting impression on Voltaire. In England he had seen the freedom of the press, the highly honored position of the man of letters,[9] the respect shown to trades, the tolerance in matters of religion; and, when he returned to France, he was a different man. His visit to England had been a decisive period in his life, and he went back to herald a new régime of freedom and liberty and toleration. In the words of John Morley, before Voltaire had gone to England "he had been a poet; he returned a sage. . . . From the pen-man he had gone to the captain and man-at-arms."[10] Voltaire saw a people happy under

[7] *Ibid.*, Lettre 9.
[8] *Ibid.*, Lettre 6.
[9] *Ibid.*, Lettre 9.
[10] Morley, *Biographical Critique.*

laws which secured to them a liberty of religion and thought and speech beyond the dreams of a Frenchman. He had seen a great light; and he returned to France and, from that time, he knew no rest while a mission of practical sympathy was possible to the oppressed, or an abuse of power could be broken down. His sojourn in England had made him a much more valiant, courageous opponent of abuses and privileges and, from that time on, throughout the years of his long life, he "was an untiring and eloquent advocate at the bar of the Universe of the rights of Humanity."

Unlike Rousseau, Voltaire always considered the existing social and political order safely established and firmly settled. He did not wish to uproot it and overturn it and, out of the confusion and the debris, evolve a fairer, freer society. Voltaire never desired social revolution; but he ardently longed for the happy era when the human understanding would be more keenly intelligent, and would investigate the institutions made by hands, and estimate their values, and transform them, until they became adequately representative of an enlightened and intelligent nation. Thus his efforts were always reasonable and moderate; the result for which he worked through years of weary waiting was a bloodless, peaceful, and gradual extermination of the dire evils to which ignorance and fanaticism had given birth.

With this end in view, Voltaire began his work of analyzing the abuses and privileges rampant in French society. He endeavored to rouse the French nobility from their complacency and lethargy. They might be beacon lights in the reforms which were so imperatively necessary, if they would but respond to the impetus of a public purpose, if they would only be more aggressively patriotic and unselfishly ambitious for the nation. The love of what was noblest, the energy to be public-spirited, the desire for national glory, the pride of intellectual supremacy—all had faded. Many of the lords were content to spend their ill-gotten substance in riotous living, to devote hours to useless service in the royal household, to despise any serious occupation, —except to play cards industriously and to lose sums of money greater than the Romans spent on their theatres. "Where is the

man in Paris," he wrote, "who is fired with the smallest spark of love for his country? We game, sup, and like scandal, compose wretched songs, and fall asleep in order to wake up next day to renew the same circle of levity and indifference." Many nobles thus lived in a grand display of vanity and in a "vicious circle" of luxury, eager for every affectation of power and position, and oblivious to the evils which were a growing menace to the public welfare and to general prosperity.

Voltaire's challenge to these slothful nobles was to awake and to endeavor to insure laws more adequate and just for the good of the whole nation. They should not permit the vast majority of the people to go on suffering from the arbitrariness of those very laws whose purpose ought to be to afford protection to each and all. It would be difficult, he said, to point out a single nation living under good laws.[11] It seemed to him that the greater part of mankind had received from nature a sufficient portion of what is called common-sense, and yet the world had not succeeded in securing good laws. Laws had proceeded, in almost every instance from the legislator, from the urgency of the moment, from ignorance and superstition, and had accordingly been made irregularly and at random.[12] The laws in France were as varied as they were arbitrary. In Paris alone, law was interpreted differently by twenty-four commentaries—a proof, by so many times, that it was ill-conceived. Its elasticity had permitted it to stretch almost to the point of breaking. And the law of Paris was in contradiction to one hundred and forty other usages, all having the force of law in the same nation. So a man who travelled was compelled to change his law almost as frequently as he changed his horses.[13] Reason and enlightenment alone could impress upon men the utter inefficiency of such a system of laws; reason and enlightenment alone could create a public opinion insistent and aggressive enough to demand the necessary reforms.

[11] Voltaire, *Dictionnaire Philosophique*, Vol. VI, Article "Lois," p. 66.
[12] *Ibid.*, p. 67.
[13] *Ibid.*

Next to fanaticism and superstition, and their outcome in disgraceful laws, the injustice of the courts invited Voltaire's scorn.[14] In Paris, and still more in the provinces, legal assassins performed legal atrocities and woefully perverted fairness and justice. Legal murders were committed with remarkable facility, and horrible deeds were done in the name of good order and tranquillity, with the sanction of irrational and incompetent laws. How different Voltaire had found legal procedure across the straits of Dover! In that free land, judges could not deviate from or go beyond the laws. Life-sentences could not be executed before they were reported to the king, for the accused was given a chance to receive pardon from royal clemency and mercy. There, laws were equal for both innocent and guilty.[15] If by chance an illegal imprisonment was made, or an unfair sentence passed, damages must be paid and penalties suffered by the unjust judge. These sane measures, preventive of such distortions of justice as were prevalent in France, Voltaire recommended to the careful, judicious consideration of his countrymen.[16] Trials had become mockeries, because the judges were oftentimes superstitious and influenced by priestly domination, and because they often cared more for the triumph of fanaticism than for the reign of justice. Accused persons had been subjected to torture,[17] innocent victims had been put to the rack on equivocal evidence, lives had been sacrificed on the wheel, all because ignorance was supreme. Men had been condemned to execution who, at the most, deserved only three months imprisonment, and had been prevented in this capricious way from being of any further service to the state. "Ye sages who are scattered over the earth—for some sages there are—proclaim with all your might that the punishment ought to be proportioned to the crime." All perversions of justice, Voltaire reiterated, were crimes, destructive alike to individual security and happiness, and to social welfare and service. Only as the state gave diligent heed to the voice of

[14] *Ibid.*, *Traité sur la Tolérance.*
[15] *Ibid.*, Article "Criminel," pp. 239-241.
[16] *Ibid.*, *Traité sur la Tolérance*, Tome VII, pp. 367-382.
[17] *Ibid.*, Vol. VII, Article "Torture," pp. 391-395.

reason—only as moderation, tolerance, and enlightenment prevailed in tribunals and in laws—would the dawn of a new era of social happiness be possible for all the inhabitants of France.

It was only natural, Voltaire thought, that the Third Estate should have suffered longest and most acutely from the evils of ignorance. Many of the people were reduced to a pitiable lot; many were condemned to a miserable existence, and almost every one was prevented from realizing the fulness, the richness, the satisfaction in life, which ought to be enjoyed in a reasonable state of society. Those who composed the most numerous part of the nation, who were the most virtuous and useful to the state; those who studied, those who enriched the state by the increased output of their despised occupations—those people were burdened, unnecessarily, were taxed beyond what they were able to bear, were in debt, here a little, there a little, and counted magistrates, clergy, and sovereign alike among their heavy creditors. The taxes had steadily become more unreasonable, more capricious, more and more oppressive. The *taille* hindered intensive cultivation of the soil, and it was only one of the many burdens which were based on an erroneous, wasteful, destructive system of taxation. Farmers of the revenue might plunder provincials at their pleasure, and tax-collectors might show favoritism on every hand. Such, in Voltaire's estimation, were real abuses; and against such was his appeal to reason and enlightened common-sense.

It was not that the people ought to refuse to pay willingly a portion of the expenses of the government, for it was just that all those who enjoyed the advantages of a government should contribute to support its charges.[18] But it was wholly unreasonable that money should be forced from the people so that a score of nobles or princes might waste it in prodigality and in frivolous expenditures. All should pay alike, in proportion to their wealth or poverty—nobles and ecclesiasts, bourgeoisie and peasants. If every individual would do his part in the state, if the rich would pay more because they had more means at their disposal, if a greater number experienced in their own persons the satisfaction

[18] *Ibid.*, Vol. V, Article "Impôt," pp. 335-342.

of controlling some of nature's resources, what a vast difference it would make in the existing state of things! Then might the nation look forward to the millennium. But as things were—as long as it was deemed a virtue to spend enormous sums, even though those sums belonged in another man's treasure chest—the millennium was delayed. The nobility continued to despise any honest toil, discouraged trade, and considered the occupation of merchants below their consideration. Commerce was thus left to the few; the wealth of the nation became no greater; the masses remained poor; and the princes and peers of the country went on congratulating themselves that by their indolence and wasteful luxury they were "elevating their souls and lending dignity to their species."

Just as Voltaire never ceased to advocate the cause of humanity in his demands for good laws, just tribunals, and equitable quotas of taxes, so he continually argued for a more scientific and impartial system of property relationships. He saw that it was utterly useless for a great landlord to attempt to secure any lasting prosperity for himself while his vassals were crushed under the load of their misery. His prosperity depended upon theirs. Let him but permit his tenants to have their land at a reasonable tenure and endeavor to make them secure in their temporal blessings, and he would find the outcome beneficial to himself and more satisfactory to the peasants.[19] Then the tenants would gladly spend their energies in cultivating the land, in improving, and enriching it. The spirit of property would double their strength, and they would consider it worth while to labor for themselves and their families, and would find it possible to protect themselves against an unfortunate future by laying up a little hoard of treasure terrestrial. But even more beneficial to the prince and landlords and peasants was that species of land, freed altogether from the payment of rent, and liable only to those general imposts levied by the state for its maintenance. This property it was, Voltaire said, which had contributed in a particular manner to the wealth of England and France and of the

[19] *Ibid.*, Vol. VII, Article "Propriété," pp. 18-22.

free cities of Germany. It always aroused the enthusiasm and called for the best talent and toil of the individual owners, and encouraged thrift and economy in all.

But because sovereigns and ecclesiasts, nobles and peasants, had not realized the evils of these social institutions which had existed in France, and had been deaf to the dictates of reason, and had tolerated abuses of all sorts and degrees, the state had not been true to its mission. It had only been an indifferent success and, at times, it had done positive injury to its inhabitants. It had permitted the spirit of militarism to degrade the people and to destroy their resources. This spirit, this thirst for war, Voltaire considered a crime, a "retrograded movement of mankind." What voice, commissioned to teach virtue, has been raised against this crime, which is so great and universal, against this destructive rage which transforms into beasts of prey men who were born to live brothers; against those barbarous depredations and shocking cruelties which make the earth a scene of robbery and desolation, and convert flourishing and populous cities into horrid and gloomy tombs? The violations of treaties the most sacred and solemn, the grossness of those impostures which preceded the horrors of war, the impudence of those calamities which fill the declarations of contending parties, the infamy of those rapines which are capitally punished in private men, but extolled as acts of heroism in the leaders of nations; theft, robbery, sacking of cities, bankruptcies and ruin of thousands of wealthy merchants; their families wandering from place to place, and in vain begging alms at the gates of publicans enriched with their spoils—these are a few of the many crimes and calamities that are committed without the least remorse.[20] Upon all classes of the nation these dire evils had fallen, and against them Voltaire raised vehement protest. Reason was more powerful than force; enlightenment would secure more happiness and prosperity than the sword.

And now we are confronted with an apparent anomaly. Voltaire longed to see mankind prosperous; he desired burdens to be

[20] *Dialogues*, Vol. II. L'A, B, C. Article "Du Droit de la Guerre."

lightened. Yet, with all his faith in humanity, he never considered the people fit to govern themselves. He regretted that society, as it was organized, did not permit greater individual initiative and activity. He thought that possibly a time would come when the Third Estate would be admitted to a share in the administration. Then, as in England and in Switzerland, there would be more happiness and contentment. But that it would be desirable to overturn the monarchy and establish a democracy he did not admit for a moment. In Voltaire's estimation, a republic was founded, not on virtue, but on the ambition of every citizen to restrain the ambition of every other citizen. It was established on pride, which came into conflict with the pride of others; on desire for leadership and mastery which was not content to let other men be supreme in authority. In this spirit, according to Voltaire, a democracy made laws and preserved as much equality as possible between citizens.

Such a form of government might succeed moderately well in a small area, but when it was extended to a large territory its ineffectiveness became evident.[21] Even in a comparatively small area, a democracy exhibited its inherent faults; for it was composed of human beings with human frailties, which had every opportunity to unfold themselves. Yet with all its limitations a popular government would never disgrace itself with the vices of tyranny and cruelty. And if republicans in mountainous regions had been wildly ferocious, Voltaire was ready to admit that it was not the fault of republicanism but of nature. Although discord might prevail, although institutions would never be perfect, although men would be selfish and unreasonable in a democracy, to its eternal honor, he said, "there will be no St. Bartholomews, no Irish massacres, no Sicilian Vespers, no Inquisition, no condemnation to the galleys for having taken water from the ocean without paying for it."[22] Democracy thus received Voltaire's condemnation, and his praise as well. The radical vice of such a form of government was expressed, as he said, by the Turkish fable of the dragon with many heads and the

[21] *Dictionnaire Philosophique*, Vol. VI, Article "Politique," pp. 457-462.
[22] *Ibid.*, Vol. III, Article "Démocratie," p. 321.

dragon with many tails. The multitude of heads becomes injurious, and the multitude of tails begins to obey one single head, which wants to devour all.

It is clear, then, that Voltaire did not desire to revolutionize the government. He thoroughly believed in a monarchical state.[23] An example of the success of a monarchy, he had seen in England. There, according to him, the sovereign was all-powerful to do good but he was also restrained from committing evil. This was what Voltaire desired for France. Yet, true to his principles of reason, he considered a prince, who violated the laws of right and justice, who was indifferent to the vital interests of the nation, who permitted his subjects to be condemned mercilessly, or to be murdered by careless, fanatical tribunals, only a public robber, a high-bred assassin, dignified though he might be with the title of Royal Highness. He did not fail to realize that under a monarchical system of government the one personage about whom the social and political world revolved, for whom honors were created and treasures accumulated, whose life was of value infinitely higher than that of his subjects, was the sovereign.[24] But he thought that if this all-powerful individual was conscientious in his dealings with the children of men, if he accepted, along with his tremendous power, the responsibility for using it so as to promote the satisfaction of all the individuals dependent upon his will; if, in short, he was a philosopher, inspired and guided by reason, then the nation would enjoy greater prosperity than could possibly come under a democracy. For, with all his efforts to secure a better existence for his countrymen, with all his anxiety to rectify abuses and to annihilate privileges, Voltaire believed that the people were rarely able to govern themselves, that they were seldom worthy of the honor, and that the responsibility of a just government ought not to rest upon them, but upon a discreet and intelligent prince.

In essential things—in the right to a trial according to the strict letter of the law, in the right to the security of property, in the privilege of professing unmolested whatever religion they chose,

[23] Lecky, *French Revolution*, p. 13.
[24] *Dictionnaire Philosophique*, Vol. VI, pp. 460-462.

in short, in the desire for life, liberty, and the pursuit of happiness —men had equal rights, and rightfully demanded to have their claims respected by their fellows and by their prince. Although Voltaire confessed men were equal in these all-important things, he said that they were destined to take different parts, to fill different positions, in the political and social world. Equality at birth, equality as men, did not destroy their subordination to the sovereign and magistrates, or insure their equality as members of society, making them equally powerful in the state.[25] But, whatever the form of government, while its criterion of worth should be the equal protection its laws afforded to all ranks of men, its principal object should be, not to strive for numbers, but to render such as were under its sway as little miserable and unreasonable as possible. These ends Voltaire constantly held were most likely to be secured in a monarchical state.

Consistent with his theory of the sovereignty of the prince was the conception of the relation which ought to exist between the state and the church. It cannot be denied that the impelling motive in his attack on the church was hatred of the papacy as well as devotion to authority and reason; but the former was accentuated because he realized that the church had acquired its position in the state, utterly regardless of the principles of sovereign political authority and of enlightenment and reason. The church, he said, consisted not of the clergy alone, any more than the state consisted of magistrates alone. The church was the whole body of believers—prince, magistrates, soldiers, clergy and people. As the prince was supreme in the state, so ought he to be supreme in the church; and the church could enjoy privileges only as it enjoyed them from royal clemency and mercy. To insist that the papal authority overshadowed royal authority was absurd and ridiculous.[26] In unmistakable words, Voltaire insisted that the church should be subject to civil authority.

[25] *Ibid.*, Vol. IV, Sect. II, pp. 9-11.

[26] *Politique et Législation.* Vol. I, Article "La Voix du Sage et du Peuple." "Il ne doit pas y avoir deux puissances dans un état. La distinction entre puissance spirituelle et puissance temporelle est un reste de barbarie vandale; c'est comme si dans ma maison on reconnaissait deux maîtres; moi, qui suis le père de la famille,

It was natural, then, that he considered those who performed the functions of the church also a part of civil society—subjects of the sovereign under whom they exercised their ministry. According to him, priests were persons appointed by the authority of the state to direct the prayers of the members of the religious fold, and to superintend public worship generally.[27] "Their functions, their persons, their property, their pretensions, their manner of inculcating morality, teaching dogmas, celebrating ceremonies, the adjustment of spiritual penalties," in a word, all that relates to civil order—ought to be submitted to the authority of the prince and the inspection of the magistracy. With these reasonable limitations of their power priests, Voltaire believed, would occupy a position in the state similar to that of preceptors in a private family. They would have no authority over the master of the house.[28] Their spiritual calling would insure them no earthly dominion, even though their extreme desire to uplift the world made them eager to have it entirely under their sway. Their claim to happiness and appreciation in this world, and their expectation of reward in the sphere celestial, would depend on the diligence they had used in teaching men to forget their arrogance and conceit, to worship God with unstained hearts, to be just and diligent, tolerant and compassionate.[29]

Since the vocation of the priest was his spiritual ministry, the only justifiable means of extending his authority and widening his influence was spiritual persuasion. He might instruct his parishioners in Biblical lore; he might exhort them or threaten them with punishment eternal, or gently persuade them with promise of a blessed hereafter; he might pray for them, or give them wholesome advice until priest and parishioners alike were weary and gray. But to use coercion and force submission was

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et le précepteur de mes enfants, à qui je donne des gages. Je veux qu'on ait de très grands égards pour le précepteur de mes enfants; mais je ne veux point du tout qu'il ait la moindre autorité dans ma maison."

[27] *Dictionnaire Philosophique*, Vol. III, Sect. 1, Droit Canonique.

[28] *Politique et Législation*, Article "Le Cri des Nations." "Il n'y a qu'une puissance, celle du souverain: l'église conseille, exhorte, dirige; le gouvernement commande."

[29] *Dictionnaire Philosophique*, Vol. VI, Article "Prêtres," pp. 512-514.

repugnant "to the freedom of reason, to the nature of the soul, to the unalterable rights of conscience, to the essence of religion, to the clerical ministry, and to the just rights of the sovereign."[30]

Voltaire was never ambiguous in this message to the people of his country. Over and over again he maintained that the state was the only supreme authority and ought to brook no interference from the church. The state had a right to the allegiance and service of every citizen superior to any assumed right of the church. A citizen's first and most important duty, therefore, was to play an honorable part in political activities. His birth had made him a subject of the state, and only the consent of those who presided over it could release him from his natural obligations to society.[31] If he wished to withdraw from active participation in the service of the state to become a member of some monastic order, he ought to seek royal permission for his act, since his vow to God could only mean his worthlessness to society. Thus it devolved upon the sovereign to prescribe the rules for admission into these orders. He might fix an age limit for admittance, or forbid any one to take vows without the express consent of the local magistracy. Such regulations Voltaire considered very desirable, since the consecration to poverty so often secured a revenue of thousands of crowns, and the devotion to humility was rewarded by extensive domains. The convents themselves needed the constant supervision of the magistracy. If a thorough examination by the civil magistrates proved that they were worthy of the protection of society, then Voltaire said, let them be sanctioned by the supreme civil authority.[32]

It was because Voltaire realized that the land of the state had fallen to those who had shown skill and strength enough to obtain possession of it, regardless of the rights of society, that he challenged the equity of their claims. It was because he was convinced that they had made ample use of the periods of ignorance, superstition and infatuation to strip ignorant and short-

[30] *Ibid.*, Vol. III, Sect. 1, "Droit Canonique," p. 470.

[31] *Ibid.*, p. 480. "Chaque citoyen naît sujet de l'état et il n'a pas le droit de rompre des engagements naturels envers la société, sans l'aveu de ceux qui la gouvernent."

[32] *Ibid.*

sighted men of their inheritances, and to trample the unfortunate under foot in order to fatten on their trivial hoardings, that he bade them tremble at the near arrival of the day of reason.[33]

Radical, and even violent, as Voltaire was in his estimate of convents and clergy, and in his demand that their revenues should be made serviceable to the state, he did not desire to deprive them of the means of honorable subsistence.[34] He declared that whoever exercised a laborious function deserved a return from his fellow-citizens in a liberal support. He always felt a particular sympathy for the country curate who was obliged to dispute a sheaf of wheat with a parishioner, or to exact from him the tenth of his peas and beans, or in rain or hail or snow to spend his days and nights miserably in a round of parish visits, extending for miles about his abode. He scorned the wealthy abbot, who had once been a poor man at the head of others equally poor, but who now spent his days in "vicarious leisure" and luxury; and who might eat his partridges and pheasants, and drink his choice wines, and be merry at the prospect of a rise in an income which already supplied his needs above all he could ask or even think. The contrast with the insufficient income of the country curate made the disproportion seem too great. Would it not be more advantageous to the state, and to the clergy as well, and more comformable to reason if the state itself was made responsible for all salaries, for the clergy no less than for the magistrates and soldiers?[35] Such was Voltaire's view of the vexatious difficulties presented by a church swathed in luxury; such was his solution of the difficulties, if only the sovereign were a philosopher and his counsellors heedful of reason.

The ascendancy of the civil authority over the church, which Voltaire advocated so strongly, ought, he held, to be maintained in every particular. The principle of reason required that all the religious assemblies of the clergy should be regarded as legal only on the authorization of the sovereign or of the magistracy. Whatever passed within those assemblies—whether it was to

[33] *Ibid.*, Vol. I, Article "Abbé," pp. 38-39.
[34] *Ibid.*, Vol. III, Article "Curé de Campagne," pp. 275-278.
[35] *Ibid.*, Article "Droit," pp. 465-493.

revise the form of prayers, or to change ceremonies, or to establish holidays or to prescribe books of devotion—should not become valid and obligatory without civil consent and approbation.[36] In this way civil authority alone ought to be the guaranty of the position of the clergy in the state, and the dispenser of their material blessings; civil authority alone ought to convoke occasional religious assemblies and to direct their deliberations and give sanction to their decrees.

Although Voltaire thus considered that the civil authority should enjoy undisputed supremacy in the state, he recognized a limitation to its sway. No sovereign authority had the right to employ force to bring men to any religious view.[37] However great an evil it might be to have heretics in the country, it was a far more heinous crime, Voltaire asserted, to maintain orthodoxy by soldiers and executioners. Even if the Catholic religion was divine in its origin, it ought not to be established by hatred and anger, by banishment and confiscation of goods, by imprisonment, torture, and murder. Such persecution defeated its own end; it was successful only in making hypocrites and rebels. The whole law of persecution, he said, was as absurd as it was barbarous; it was even more savage than the law of tigers, for brutes only destroyed for the sake of food, while men foolishly butchered one another on account of a disputed sentence or paragraph. Again and again Voltaire insisted that every man should have the privilege of following the guidance of his own reason, so long as he did not disturb the peace and good order of the community.[38] No sect, he repeated, had ever produced any disturbances or changed the government of a country except when it was furnished with arms by despair. Therefore the best policy was always to show a toleration of sects, to imitate in this respect the wise conduct of Germany, England, and Holland. To persecute a sect, to murder innocent men and women because of trifling differences in the mode of expressing their insignificant thoughts, was to use the method of a monster; to tolerate them and unite them, and ally them to the state in common interest

[36] *Ibid.*, Sect. 1, Droit Canonique.
[37] *Ibid.*, Traité sur la Tolérance.

and in mutual service, was to use the method of a philosopher. Let all men, Voltaire urged, whether Jews, Turks, Protestants, or Catholics, find it advantageous not to mistrust, despise, and hate each other, but to join hands and unite hearts in loyal allegiance to and cordial support of a state which proves its worth and shows its wisdom by the toleration and welcome it extends to men of all faiths.

By dozens of lampoons, pamphlets, and letters, Voltaire persistently carried on his vigorous attack against the repressive, persecuting policy of the church and the system of abuses and privileges in the state. The terrible power of the Pope, he said, was worse than all other powers because it was established solely on ignorance and intolerance. The prince, likewise, had not exerted his power for the welfare of the people, whose misery and squalor and ignorance bore bitter witness to his neglect. Against every spiritual or political manifestation of intolerance, superstition, and injustice, Voltaire warred with incessant activity, for to him[39] reason and humanity were but a single word, and love of truth and passion for justice but one emotion. That the price of his unselfish struggle should have been antagonism and hatred from the church, and suspicion and persecution from the state was only natural. But hatred did not make him a less valiant soldier. The reward he sought for his service was not the trophies of affection and appreciation, much as he would have valued them; his reward for many years was only the consciousness that, in spite of opposition and discouragement, he had fought a good fight. With Heine, Voltaire might have said, "Lay on my coffin a sword; for I was a faithful soldier in the cause of humanity."

It was fortunate for mankind that Voltaire's life was more than four-score years long. It was fortunate for them that a man of such genius and brilliancy had pledged himself to the cause of reform. His talents and his achievements made him one of the foremost men in France and Europe and enabled him to interest

[38] *Ibid.*, Droit Canonique.
[39] Morley, *Biographical Critique*, p. 11.

many in his efforts. He was always the polished, gallant man of the world, and sovereigns were glad to do him honor.[40] Frederick of Prussia, Catherine of Russia, Joseph II of Austria, Gustavus III of Sweden, Christian VII of Denmark, Frederick of Hesse, and Stanislaus of Poland, alike admired him and endeavored to imitate the spirit of his philosophic mind. Through their efforts a new ideal of enlightenment and reason began to find expression in the administration and legislation of the countries over which they ruled.[41] From the middle of the century to the outbreak of the Revolution their efforts bore increasing fruits. Religious intolerance was coming to be regarded as despicable; persecutions were less zealously undertaken; torture was sinking into disfavor; criminal codes were undergoing long needed reform; feudal burdens and lingering remnants of serfdom were gradually disappearing. In Italy, in Austria, in Denmark, in Poland, and in Prussia, it became fashionable as well as politic to recognize the universal principle of reason and to apply it in more adequate laws and regulations.

This was the result for which Voltaire had toiled so long and so faithfully, and for which he had opposed both priestly and royal authority, calling them to a reckoning before the bar of reason and humanity. He had accomplished much; he had hoped for much more. Many of his countrymen, nobles, and men of letters, bourgeoisie and peasants, did awake to nobler ideals and higher standards through the stimulus Voltaire gave them. But while his influence on the people of France during the old régime was far-reaching, his influence on the government was practically nil. It was disastrous for France that her sovereigns and legislators did not more fully appreciate the urgency of his appeal. While Voltaire lived, his ideas of reform were not accepted by those who had the power to reform the abuses which in a few years were to have their full retribution; at last, time brought the French Revolution. Then Voltairism triumphed for a space. The first phase of the Revolution was dedicated largely to his spirit. He would have approved of the measures of the Constituent

[40] Lecky, *England in the Nineteenth Century*, Vol. V, p. 316.
[41] *The French Revolution*, pp. 21-24.

Assembly in favor of civil improvement and administrative reform. But the Revolution changed; it grew radical; it fell under the influence of Rousseau. His appeal to the masses increased the number of those who flocked around his standard and took up his battle-cry of destruction to the social order. The result was the anarchy and violence of the later stages of the Revolution, and the logical outcome was the Terror.

It is clear, then, that Voltaire and Rousseau represented two widely different theories of government. Unlike Rousseau, Voltaire did not attempt to build the state of the future on a Utopian basis. He always remained in intimate touch with reality and in contact with practical affairs. He invited a thorough criticism of the existing order; he desired a radical reform in both church and state. But he was always confident that the people needed the restraint of social institutions and the restrictions of a strong monarchical government. His influence, therefore, meant the strengthening of a monarchy grown just, generous, tolerant, and not the establishment of a democratic state. Voltaire thus made an appeal to reason; his influence was constructive, and it lives today in the spirit of constitutional criticism and reform. Rousseau made an appeal to sentiment; his influence was destructive, and has its outcome in modern sentimental democracy.

Voltaire lived long enough to feel well assured of the ultimate triumph of reason. He had entered a field where he could work efficiently for mankind. Although he realized that the establishment of the reign of reason might be very long deferred, "one day," he said, "it cannot be but that good men win their cause." With steadfast patience he performed his part, and the inspiration of his faith and courage ever strengthens those who, like him, are devoted to the development of mankind. His influence during his life and after his death was deep and pervasive. His "existence, and character, and career constituted in themselves a new and prodigious era." The peculiarities of his individual genius changed the mental and spiritual conformation of France and, in a less degree, that of the whole of the West, with as far-reaching and invisible effect as if the work had been wholly done, rather than merely aided, by the sweep of deep-lying collective forces. Vol-

tairism was one of the cardinal liberating forces of the growing race. It may stand as the name of the Renaissance of the eighteenth century.[42]

Voltaire had waged a warfare against an appalling alliance of political, social, and religious vices. In their place he had endeavored to establish toleration, good will, and fraternity. The partial success of his work brought some sweetness into the bitterness of his last years. As he said, "*J'ai fait un peu de bien, c'est mon meilleur ouvrage.*" His indignation, his smile, his banter, had set the world thinking; the full acceptance of his message would have secured greater peace and concord for mankind. To Voltaire had been entrusted a mission, which only a man of his rare genius and perseverance could have fulfilled.[43] "To combat Pharisaism; to unmask impostures; to overthrow tyrannies, usurpations, prejudices, falsehoods, superstitions; to replace the false by the true; to attack a ferocious magistracy; to attack a sanguinary priesthood; to take a whip and drive money-changers from the sanctuary; to reclaim the heritage of the disinherited; to protect the weak, the poor, the suffering, the overwhelmed; to struggle for the persecuted and oppressed—that was the war of Jesus Christ." And who waged that war? It was Voltaire.

[42] Morley, *Biographical Critique*, p. 5.
[43] Hugo, *Oration on Voltaire* (1878).

HISTORY OF THE MAJORITY PRINCIPLE

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Perhaps no convention of our day is more acceptable to both the political scientist and the man on the street than the employment of the simple-majority device to determine the will of a group. Even the ponderous German scholar Otto von Gierke is drawn to the facetious conclusion that it is only in the institution of matrimony that the majority principle cannot be used. Exceptions, of course, exist. Examples familiar to students of American government include the two-thirds and three-fourths majorities of the federal amending process, the two-thirds vote of the United States Senate in the approval of treaties, and like majorities in the overriding of presidential and gubernatorial vetoes. But these exceptions do not invalidate the commonly accepted "naturalness" of decisions according to simple majority. The theory has probably been expressed best by Grotius: "It is unnatural," he says, "that the majority should submit to the minority—hence the majority naturally counts as the whole, if no compacts or positive law prescribe a different form of procedure."

Although it now finds almost universal acceptance, the practice of reaching decisions by counting heads has not always prevailed, and even where employed its use has been limited and contingent. Speaking historically, the modern dogma of majority rule is a comparatively recent development, although it is probably an outgrowth of the various theories of majority rule of days gone. There were such theories, for example, as embodied in the convenient rule of law that the will of a corporation might be expressed by a majority of its members; another, a canon law theory, held that the majority of a body was more liable to hit upon the true and the good than was a minority, and to make doubly certain the majority was both counted and weighed; the

social compact theory postulated an original compact in which society was formed by unanimous consent, one of the conditions being that thereafter individuals were bound by the will of the majority; and the force theory was based upon the idea that the majority represented the greater might.

The term majority principle denotes a device employed by groups for reaching decisions. It operates in definitely organized groups whose members are considered equal for the purpose of voting, and where the opinion of the greater number is deemed expressive of the collective will. It is unfortunate that the development of the concept has received only scant and fragmentary treatment; for an understanding of its applications and characteristics in past times is essential to an appreciation of its present importance.

Before historical times in Greece, and among primitive peoples generally, except in rare and isolated cases, there is little evidence of formal or official action by corporate bodies. Primitive communities have little "government" in our understanding of the term. "All of the exigencies of normal social intercourse," says Lowie, are "covered by customary law, and the business of such government as exists is rather to exact obedience to traditional usage than to create new precedents."[1] In the absolute and despotic Oriental monarchies, and even elsewhere in communities where authority had not become so completely centralized, such new precedents as were created were in general the result of decisions reached by a single mind; for the only sovereignty was that of an individual. This should not, however, lead us to believe that the decisions of individuals who promulgated the laws or decrees were necessarily arbitrary, or based upon superficial or whimsical considerations. Evidence chosen at random refutes this idea. In the Book of Proverbs we find a recommendation for much counsel: "Where no counsel is, the people fall: but in the multitude of counsellors there is safety."[2] The Institutes of Manu required the king to appoint seven or eight ministers,

[1] Lowie, *Primitive Society*, pp. 358-359.

[2] Proverbs, II, 14. See Sir George Cornewall Lewis, *The Influence of Authority in Matters of Opinion*, (ed. of 1875), pp. 166-167, notes.

"whose ancestors were servants of kings; who are versed in the holy books; who are personally brave; who are skilled in the use of weapons; and whose lineage is noble."[3] The king was to consult with these ministers on peace, on war, on his forces, revenues, the protection of his people, and on the means of bestowing aptly the wealth which he had acquired.[4] He was required to consult them, first apart, then collectively, and to do what appeared to be most beneficial in public affairs.[5] Thus, even where decisions were made by individuals, we have a rude prototype of the majority principle, in so far as it embodies the idea of deciding according to the weight of evidence; but it is obvious that we cannot have decisions according to a numerical majority until we begin to find bodies whose decrees have some degree of legality.

The crude methods of procedure and voting employed by the ancient Homeric assemblies, the early Teutonic assemblies,[6] and the Spartan assembly lead to the conclusion that decisions were not in fact made by a numerical majority, though in theory this was supposed to be the case. Deliberations were much restricted, and voting was customarily by acclamations and murmurs.[7] The theoretical equality of each person might be easily modified, if not destroyed altogether. Then, too, the presiding officer determined the verdict. This furnished another possibility for actually thwarting the desires of the numerical majority, and may have led to the peculiar procedure employed in the election of the Spartan gerontes. Here the "people assembled in the Apella, and the candidates for office went through the assembly in an order previously determined by lot. He at

[3] *Institutes of Manu*, Chap. VII, 54.

[4] *Ibid.*, Chap. VII, 56.

[5] *Ibid.*

[6] There was no legal obligation, in the Teutonic assemblies, to conform to the decision of a majority or to acknowledge it as one's own decision. He who stubbornly maintained his objection was not bound by their decision. See Gierke, "Über die Geschichte des Majoritätsprinzips," in Sir Paul Vinogradoff (ed.), *Essays in Legal History, delivered before the International Congress of Historical Studies* (London 1913), p. 315.

[7] On the Homeric assemblies see C. Borgeaud, *Histoire du Plebiscite*, p. 7. On the Teutonic assemblies see Tacitus, *Germany*, Chap. XI (Trans. by N. S. Smith, 2nd ed.), p. 33. On the Spartan assemblies see Thucydides, I, 87.

whose passing the people raised the loudest cry was held to be elected. The loudness of the cry was judged by men shut up in a house near the Apella, from which they could hear the cry, but could not see the assembly."[8] The question naturally arises as to the principle employed by these men in reaching their decision. We cannot assume that all presiding officers were as ingenious and honest as Sthenlaidas on the occasion described by Thucydides:

When Sthenlaidas had thus spoken, he himself, since he was an ephor, put the vote to the assembly of the Lacedaemonians. Now in their voting they usually decide by shout and not by ballot, but Sthenlaidas said that he could not distinguish which shout was the louder, and wishing to make the assembly more eager for war by a clear demonstration of their sentiment, he said: 'Whoever of you, Lacedaemonians, thinks that a treaty has been broken and the Athenians are doing wrong, let him rise and go to yonder spot, and whoever thinks otherwise, to the other side.' Then they rose and divided, and those who thought a treaty had been broken were found to be in a large majority.[9]

The five Spartan ephors decided by a majority vote.[10] The members of the Peloponnesian League had an agreement to decide according to the majority principle. But a loop-hole existed in the provision that whatever the majority of the allies decreed should be binding, *unless there should be some hindrance on the part of the gods or heroes.*[11] This provision was taken advantage of on one occasion by the Corinthians.[12] The most advanced methods of voting, and those best calculated accurately to register the numerical vote, were employed by the Athenian ecclesia, which reached decisions by the numerical majority principle. All ordinary voting was carried on by a show of hands, an actual count being taken only when the vote was close.[13]

[8] G. Gilbert, *Constitutional Antiquities of Sparta and Athens* (trans. by Brooks and Nicklin), p. 48.

[9] Thucydides, I, 87.

[10] Xenophon, *Hellenica*, II, IV, 29. Lewis, *Op. cit.*, Note B, p. 168. Gilbert, *Op. cit.*, p. 52.

[11] Thucydides, V, 30. Italics are not found in the original.

[12] *Ibid.*

[13] Gilbert, *Op. cit.*, pp. 297, 304.

A second, but more unusual, form of voting was by ballot. This was employed in full assemblies, i.e., at the *ostra kismos*, in granting citizenship, and occasionally in other extraordinary cases. Two urns were placed, either for each tribe or for the whole ecclesia, the one for the ayes, and other for the noes. After the voting had taken place, the president announced the result.[14] It is interesting to note that here, too, we get a rude semblance of the "quorum." In cases of ostracism it was necessary for 6,000 votes to be cast. If this condition was not met the vote was null and void.[15]

For the purpose of voting, the various popular assemblies of the Roman republic which at different periods exercised legislative authority gathered in divisions, all divisions voting at the same time. There seems to have been no provision regarding a quorum, and frequently only a small number of votes was cast. No one present, however, might refrain from voting. Each division had a "regator" who determined the order of voting within the division, and who decided upon the voter's qualifications in the event that they were questioned. Each man was asked his decision, a majority of the votes of the individual members determined the common vote of each curia or century, and a majority of the curiae or centuries determined the vote of the assembly. Mommsen says that the first man's vote was especially marked. The method of recording the votes followed no set custom: sometimes each vote was recorded on a tablet, at other times a "yes" or "no" was placed opposite each name. During the last century of the Republic, the written ballot was introduced, first for the election of magistrates, and then for the passage of laws, with certain exceptions. In the electoral procedure the names were written on boards and placed in different boxes.[16]

The Roman Senate reached its decisions by means of a majority vote, but the procedure was by no means simple. The question

[14] Gilbert, *Op. cit.*, p. 297.

[15] *Ibid.*, p. 307. Lewis says that the courts of justice, smaller councils, and administrative bodies, the Athenian senate, board of generals, and Spartan gerusia also decided by a majority vote. *Op. cit.*, p. 134.

[16] T. Mommsen, *Römisches Staatsrecht* (2d. 1887-88), Vol. III, pp. 394-408.

was put by the presiding officer, who then called upon the individuals by name. The person first called upon could indicate his approval or make a statement relating to the question. Those called upon later could make statements or merely express agreement, but it was necessary for them to make some answer. A senator, once he had given his approval, could not discuss proposals made later by senators whose names succeeded his. He could, however, change his final vote. It was thus possible for a majority to have indicated its approval of a measure, only to have its decision rendered nugatory by proposals advanced later on in this preliminary proceeding by a senator who arose to speak in his turn. The presiding officer also had great powers. After the preliminary proceeding, he stated and put the question, counted the votes, and determined the majority. The usual method of voting was by changing seats. The presiding officer indicated with his hand: You who approve go here; you who think otherwise go there. There was no secret ballot during the Republic.[17]

By the fifth or sixth century of our era the advanced forms of voting were lost, and the *viva voce* vote had become the most common method. Discussion in large assemblies was impossible; so chosen orators made their appeals, and the people expressed their approval by shouts of commendation, or in the event that they were dissatisfied they murmured or cried down the speaker.[18] The historian Wolfson believes that the revival of all forms of voting used in modern times was due to the activities of the towns of northern Italy.[19] Just when these processes were resumed is doubtful, but all of them had attained full vigor by the end of the thirteenth century.[20] Wolfson goes on to show that the exercise of the franchise in the councils in the communes produced the greatest development of voting procedure. Government positions were vigorously contended for, the men of the twelfth

[17] Mommsen, *op. cit.*, Vol. III, pt. 2, pp. 978-1002.

[18] Arthur M. Wolfson, "The Ballot and Other Forms of Voting in the Italian Communes," in *American Historical Review*, Vol. V, No. 1, p. 3.

[19] *Ibid.*, p. 1.

[20] *Ibid.*, p. 3.

and thirteenth centuries not being averse to violence and bloodshed when circumstances appeared to require them. "Even the majority," he says, "was only too often the result of the armed preponderance of a few men over the masses of the people who did not dare to oppose them."[21] Refinements of procedure, such as the indirect election of magistrates, were introduced, but decisions by electors were not made according to the simple majority principle. "In Genoa," he observes, "the choice seems, as a rule, to have been a unanimous one, though not necessarily so; in Brescia and in Ivrea, a two-thirds vote was necessary to a choice; in Bologna, the same proportion, twenty-seven out of forty, or thirteen out of twenty was preserved; in the other cities, four-sevenths was the proportion. In all cases more than a mere majority was required to elect candidates to office."[22] Wolfson notes further the similarity of papal and communal elections, but believes that there is greater probability that each owed much to the other than that one was the outgrowth of the other.[23] In 1179, Alexander III issued a decree requiring a two-thirds vote of the cardinals in the election of the Pope, shutting out participation by the lower clergy and the people. This procedure has been generally followed.

In the practices of the church, however, one cannot find a consistent method of arriving at decisions. In certain important instances the principle of unanimity was required. The decrees of the Synod of Elvira (305 A.D.) begin with the words, "*Episcopi universi dixerunt.*"[24] Hefele suggests that the reason the decision reached at the Council of Nicaea (325 A.D.) was not erected into a canon was due to the fact that it was not unanimous. "Perhaps," he says, "the synod desired to conciliate those who were not ready immediately to abandon the customs of the *Quarto decimans.*"[25] Canon Four of the Council of Nicaea provides that bishops shall be chosen by *all* the bishops of the province, and

[21] *Ibid.*, p. 6.
[22] *Ibid.*, pp. 14-15. See Wolfson's citation of sources.
[23] *Ibid.*, pp. 13-14.
[24] Hefele, *Histoire des Conciles* (ed. 1869-76), Vol. 1, p. 131.
[25] *Ibid.*, p. 320.

if it is impossible for *all* to attend the consecration their written permission must be secured. The Third Canon of the Seventh Oecumenical Synod (Council of Nicaea, 787 A.D.) reaffirmed this method of choosing bishops: "Every election of a bishop, of a priest, or of deacons carried on by a temporal prince is nullified, in accordance with the ancient rule (Apostol. can. 310) as ordained by the Fourth Canon of Nicaea."[26]

In the older canon law, as in German law, according to Gierke, the majority principle was conceived of as a means of arriving at the necessary unanimity by imposing the duty of assent upon the minority. This gave way to a juridical fiction whereby what was willed by the majority was considered as willed by all. The canonists deduced that the *major pars* represents the juridical personage in the same manner as the totality, whilst the *minor pars* remains merely an aggregate of individuals. The canonists justify this fiction on the ground that the many will probably hit upon the true and good more easily than will the few.

Then we have introduced the factor of *sanoritas*, whereby the majority is made to depend upon both the quality and the quantity of votes. This is called the doctrine of the *major et sanior pars*. In the perfected theory then, the *pars major*, in its legal sense, consists of both *pars numerosior* and *pars sanior*, i.e., the more numerous and more prudent part. Thus it might be possible for a small minority, containing a preponderance of the *pars sanior* to prevail over a numerical majority; but on the whole the opinion was that the qualitative and quantitative preponderance must coincide—that the greater number has a legal supposition of also being the *pars sanior*.

"Hence," says Gierke, "in so far as *sanitas* is not officially tested by reason of a necessarily higher approbation, the supposition must be annulled by a formal proof to the contrary; to accomplish this the minority must protest against the decision

[26] Hefele, *Op. cit.*, Vol. IV, pp. 369-370. Italics are not found in the original. After 1215, in the election of bishops, only a simple majority of the cathedral chapter was required. But here we have the idea of a concurrence of the *major* and *sanior* pars. See Jellinek, *The Rights of Minorities* (trans. by A. M. Baty and T. Baty, London, 1912), p. 7 and note on p. 35.

of the majority and prove before the "Superior" that this protest is based on fact. With such a protest even a single individual can accomplish the annulment of a decision arrived at by all the rest. The "Superior" decides as to whether the minority had actually proved that the majority was not the *sanior* portion. Since the decision does not depend merely on result, but also on the motive, and since not only contra-legal but also purposeless decision can be contested, it is easily understood that a broad field is opened to the judgment of Superiors. More permanent rules, which in part depart from the regulations for other corporative acts, were formulated only for elections; but even they also have, as canonists frequently emphasize, always the sole character of instructions for finally deciding *arbitrium boni judicis*. It was legally prescribed that at the *electio per scrutinium* the so-called *collatio* must precede the announcement of the result of the decision. In the *collatio* it was determined in what proportion *numerus*, *auctoritas*, *meritum* and *zelus* were represented on each side. Herein should be considered: 1. As to *auctoritas* all the deciding factors in the external attributes of the individual voters; 2. As to *meritum* all the advantages and merits of the voters as well as of the candidates; 3. As to *zelus* all circumstances allowing an insight into purely spiritual and objective electoral motives or the possible more earthly, sensual, and personal ones. How to deduce the preponderance of the one or other side from these factors was the subject of many a controversy. Here, too, the opinion that in order to constitute a majority the preponderance in number and *sanitas* must in general coincide was victorious. Yet this rule was modified here by the axiom, that a very marked preponderance in number, set by most as a two-thirds majority, would in itself suffice. On the other hand, until the fourteenth century the opinion prevailed that minority elections could be stamped as majority elections in opposition to a moderate majority by means of a marked preponderance of *auctoritas*, *meritum*, and *zelus*, while later canonists, even in the cases of elections, simply required the condition of a greater number. In the case of no side having a majority, they supposed no election to have taken place at all."[27]

[27] *Das Deutsche Genossenschaftsrecht*, Vol. III, pp. 323-330.

In institutions other than the church the general tendency of the later part of the Middle Ages was toward the progressive acceptance of the majority principle, with the principle of unanimity maintaining a stubborn resistance. The Golden Bull of Charles IV (1356) provided for the election of German kings according to the majority principle. In regal elections, in the assemblies of rural municipalities, and even more slowly in federative unions, such as the German Hanse and the Swiss confederation, the majority principle began to be introduced. But in the political assemblies the principle of unanimity was raised in opposition to it, and in the rural districts the decisions were generally unanimous. In Germany, majority decisions came to be valid in trade meetings, courts, rural parishes, cities, guilds, and it was declared a general rule in the law books. Gierke points out, however, that "this by no means meant a break with the ancient conceptions, but rather was introduced into the old frame as a juridical means of obtaining a unanimous decision of an assembly, for the principle of majority rule receives this interpretation: 'The minority must follow the majority.' (*Minor pars sequator majorem.*) By this and similar interpretations of the use of the principle, the same sense is expressed, i.e., that the minority must withdraw its objection and agree with the majority, in order that a unanimous common will may be formed: a *sententia per approbationem et collaudationem communem, quae volga dicitur, ab omnibus et singulis stabilita.*"[28]

Ecclesiastical hierarchial organization contained "Superiors" who easily circumvented the numerical majority principle. Thus in 1229, when the monks of Ely were divided in the election of a bishop—the majority choosing Prior John, the minority, the Chancellor, John Langton—the chapter's seal was affixed to neither. The king took it upon himself to confirm the minority's candidate; and the whole matter was taken to Rome and compromised.[29]

[28] Gierke, *Über die Geschichte des Majoritätsprincips*, pp. 315-320.

[29] Thomas P. Baty, *The History of Majority Rule*, in *Quarterly Review*, Jan., 1912, p. 9.

Likewise with the corporations. English law provided that a corporation's will should be made known by affixing its common seal. In the old days this merely involved a scramble for possession of the seal, says Baty. " 'If Brother Walter, the sacrist of St. Edmunds, gets hold of the seal . . . and therewith seals a bond for forty marks to Benedict the Jew of Norwich, there is nothing for an enraged abbot to do but to depose Brother Walter.' And normally the abbot kept the seal, and could bind the abbey, and was in fact 'the majority.' Thus the Statute of Carlisle (1307) provided for the seal to be laid up in the custody of five monks, and under the private seal of the abbot. It was stated that in 1449 the court held this statute void for unreasonableness —for how could the seal ever be used if it were always locked in a box? But it is curious to note that the old monument chest of the City of Carlisle has five locks, with five keys, and is to be seen to this day in the civic museum there."[30]

It was not until 1430 that the majority principle became decisive in elections to the British House of Commons,[31] and not until the second half of the sixteenth century do we find the numerical majority principle firmly established as a rule to be followed by the House itself. Redlich indeed holds that the practice was regularly followed by the *Magnum Concilium* and transferred to the younger House of Commons;[32] but the evidence for this view appears inconclusive.

The first mention of the majority principle is contained in the executive clause of Magna Carta (c. 61). This confers on a committee of twenty-five barons wide powers for compelling the king to observe the provisions of the charter, and proceeds: "If perchance those twenty-five are present and disagree about anything, or if some of them after being summoned are unwilling or unable to be present, that which the majority of those present ordain or command shall be held as fixed and established, exactly as if the

[30] Baty, *Op. cit.*, pp. 7-8, citing Pollock and Maitland, *History of English Law*, Vol. I, p. 491, quoting Jocelyn de Brakelonda.

[31] *Op. cit.*, p. 9.

[32] Joseph Redlich, *The Procedure of the House of Commons*, (trans. by A. Steinthal, London, 1908), Vol. II, pp. 263-264.

whole twenty-five had concurred in this."[33] This article was, however, omitted from all reissues and confirmations of the Charter.[34] McKechnie maintains that the circumstances were in every way exceptional, and that the principle of decision by a numerical majority "then and for long afterwards . . . was used only as a temporary expedient to be applied timidly and tentatively."[35] To support his contention, Redlich cites a stipulation of the Provisions of Oxford (1258) according to which the decision was to be reached "*par la greinure partie*"; but, as Baty has pointed out, such cases are far from establishing a general rule.[36]

The document *Leges Henrici*, dating from about 1118, tells us that in early English tribunals the opinion of a majority of the judges prevailed, but this is qualified by an additional provision which defines the 'majority' as one of rank, repute, and sound judgment.[37] Maitland has shown that several conditions led to the requirement for unanimity in a jury. It appears that the verdict was regarded as something more than the opinion of twelve men. It was looked upon as involving arbitral and communal elements; that is to say, both litigants were supposed to have agreed to be bound by a verdict of the community, and the verdict was necessarily a single and unified one.[38] It thus appears evident that the idea that the majority can be taken as representative of an entirety was absent from the intellectual atmosphere of the time. Juries were to determine the truth, and objective truth must be subjectively convincing. If the majority principle could not be employed to determine an avowed community will, then certainly we cannot expect groups of individuals who acknowledge no broad mutuality of interests to make use of it. The English Parliament of the Middle Ages did not represent the English people as a whole, but some hundreds of articulate corporate bodies and powerful lords. The probable etymology of

[33] W. S. McKechnie, *The New Democracy and the Constitution*, pp. 155-156. Quoted from McKechnie, *Magna Charta*, p. 548.

[34] *Ibid.*, p. 156.

[35] *Ibid.*, pp. 155-157.

[36] Redlich, *Op. cit.*, p. 263; Baty, *Op. cit.*, p. 14.

[37] Baty, *Op. cit.*, p. 8.

[38] Pollock and Maitland, *History of English Law*, Vol. II, pp. 623-624.

'Commons' is 'communities' or corporate bodies.[39] There was no general corporate unity whose collective will a majority might be assumed to express.

It has been pointed out by several writers that divisions within the House in early times were infrequent. Even as late as 1791, Bentham tells us that on ninety-nine motions out of a hundred there was no division.[40] Hence the voting might well be carried on according to the principle of unanimity. As long as the House continued to be organized on the basis of individual and corporate interests, we may expect to find the principle of unanimity resorted to; for unless the decision was unanimous all would not be bound by it. We know, for instance, that until late in the Middle Ages the English nobles who dissented from granting a tax, or who had not been present when the decision was reached, often refused to pay it.[41] In 1221, Peter des Roches, bishop of Winchester, repudiated a liability for his due proportion of a scutage levy granted by the Common Council on the ground that he had dissented from the grant, and his plea was accepted as valid.[42] Says McKechnie: "It would . . . appear that at the beginning of the thirteenth century, the right of majorities was by no means admitted in questions of money grants, while it was only tentatively applied to other issues."[43] Baty concludes that "neither from the records of the House of Commons nor from those of the House of Lords can we be sure that the early Tudor parliaments habitually regarded any numerical majority, short of an overwhelming one, as decisive. "We see," he says, "occasional majority decisions, but no evidence of a settled practice."[44]

[39] Sabine and Shepard, Introduction to Krabbe, *The Modern Idea of the State*, p. XVII.

[40] Jeremy Bentham, *Works*, Vol. II, p. 349.

[41] G. Simmel, *Soziologie*, p. 187.

[42] McKechnie, *Op. cit.*, p. 157. A. F. Pollard, *The Evolution of Parliament*, p. 143, says: "We have no knowledge of the important process by which this extreme view of the rights of 'liberty and property' was surrendered, and the rights of an 'estate' to bind its individual members by a majority vote was established."

[43] McKechnie, *Op. cit.*, p. 157.

[44] Baty, *Op. cit.*, p. 19.

Sir Thomas Smith, who wrote between 1552 and 1556, says that at that time the decisions of the House were reached according to the majority principle.[45] How long the practice had been followed is a matter of conjecture. Baty thinks that the autocracy of Henry VIII may have had something to do with its development,[46] but Pollard does not seem to share his opinion. He points out that there was no great social consciousness in Parliament at that time. "The classes, from which its members were drawn," he says, "were much more bent on the pursuit of their own private fortunes than on participation in public affairs."[47] It is suggested that the majority principle did not receive adoption until demands began to be made for parliamentary action, and until its powers became extensive enough to warrant that action.[48]

It is not necessary to go into the history of the majority principle after its establishment in the House of Commons. British practice has been generally copied by the Western world; if not copied directly, it appears evident that the influences which brought the principle into operation there tended to produce the same result elsewhere.

Some light may be thrown on the idea that the majority principle is the product of circumstances by a brief consideration of the principle of unanimity. The most conspicuous example is that of the *liberum veto* of Poland. According to Konopczynski, the concurrence of eight circumstances was responsible for its establishment:

1. The persons participating in the diets and dietines were not equals. That is to say, the diets and dietines were the meeting places of both the greater and lesser nobles, and the great lords considered the small *szlachta* by no means on a par with them-

[45] *Ibid.*

[46] *Ibid.*, pp. 26-27.

[47] A. F. Pollard, *Henry VIII*, pp. 258-265.

[48] The device of the quorum, according to Redlich, was introduced on the 5th day of January, 1640-1. "It was ordered 'That Mr. Speaker is not to go to his chair till there be at least forty members in the House' (House of Commons Journals, Vol. II, p. 63). From that time the rule has been kept intact, and it has never been discussed again." Redlich, *Op. cit.*, Vol. II, pp. 75-76.

selves. The *liberum veto* came to be, in their hands, an instrument to be used against the majority.

2. Rules for the conduct of deliberations within the assemblies were insufficient and tardily developed.

3. There was no pressure from outside during the sixteenth century. Poland enjoyed tranquillity on her western border, and the eastern states still respected her power.

4. Internal conflicts were unimportant. The only crisis was a religious one, in which, for a time, it seemed as though the Protestant majority would accomplish a *coup*; but the crisis passed without this taking place.

5. It was possible for the malcontents to emigrate *en masse* into other provinces of the republic, into Volhynia, into Padolia, and then into the Ukraine. Later, when emigration was no longer possible, the principle had become firmly rooted.

6. While the majority might impose its king on the country, or its deputy on an electoral constituency, since the opposition rarely dared to choose rival kings or deputies, it could not impose its will in levying a direct tax or in calling out a reserve force. The ease with which the diet's earlier decisions could be rendered nugatory is exhibited by what actually took place in Poland under Sigismund the First (1507-48). The individual dietines to whom the diet's decisions were referred for ratification rejected taxes one after another, as well as the new military organization, and the government had to yield to this opposition.

7. The feeble separate executive power offered no support to the majority and did not guarantee the execution of its decisions, contrary to the practice in England and France. In these countries, the royal power everywhere and on all occasions gave stability to the deliberative body and obliged it to disregard the principle of unanimity.

8. Finally, there was the imperative mandate. "According to a rather widespread opinion," says Konopczynski, "this obstacle alone would have been able to change the course of the parliamentary machine and create the *liberum veto*. The general diet was formed by the meeting of delegations from the dietines in a single body. It would be expected that the individualistic

tendencies of the land-owners would become weakened within the province, and finally disappear entirely in the plenary assembly of the estates, but no such thing happened. Far from breaking down the individual strength of the dietines, the provincial assemblies shielded them against the authority of the entire nation. Individuals, covered by the imperative mandate, began to exercise their vetoes against the general agreement of the remainder of the assembly, even in cases which were not regulated in advance by the imperative mandate. By the end of the Jagellonian dynasty there had been imposed a series of precedents, after which the Polish parliamentary procedure was not able to emerge from its condition of stagnation and proceed in the direction of a majority régime, save at the expense of a violent revolution."[49]

Although the principle of unanimity has had widespread use,[50] it has little validity or reality *per se*. Here, as in the case of the majority principle, the concurrence of a number of circumstances is usually responsible for its employment. For instance, as Konopczynski noted, the *liberum veto* was used largely to thwart the decisions of the Polish diet.

The foregoing review of the use of the majority principle seems to indicate that its several components, operating much as do the tumblers of a lock, are found to be working smoothly in the Athenian ecclesia, and not again until we reach the sixteenth century English House of Commons.

Under certain conditions it would seem that the majority concept is subject to modification, and even to antagonistic influences. The deliberations of a political body are constantly influenced by its more powerful and competent members. Deci-

[49] W. Konopczynski, "Une Antithèse du Principe Majoritaire en Droit Polonais," in Sir Paul Vinogradoff (ed.), *Essays in Legal History, delivered before the International Congress of Historical Studies* (London 1913), pp. 336-397. The *liberum veto* he says, "donnait à chaque député le droit de rompre la diète et à chaque gentilhomme celui de rompre la dietine." *Op. cit.*, p. 336.

[50] Early German law, in its most primitive state, employed the principle of unanimity. Gierke, *Über die Geschichte des Majoritätsprincips*, p. 314. For other instances of its employment see: Lewis, *Op. cit.*, pp. 141-142, note p. 142; Simmel, *Op. cit.*, pp. 187–188. Cf. also the American Articles of Confederation of 1781–89.

sions are often simply the determination of an individual or of a faction duly ratified. While it may not be supposed that a group will more certainly arrive at the truth than an individual, and while majority decisions are often erroneous or partisan, it would seem that there are several characteristics of group action that tend to further sound judgments. The practice of referring technical matters to select committees, opportunity for discussion and debate whereby minorities may be heard and may convince their opponents, together with the likelihood that members are selected by reason of especial competence or interest —all these tend to promote sound decisions.

The majority principle may not properly be regarded as aboriginal or absolute. Rather, its content varies in the following elements: method of voting, power of presiding officers, electoral procedure, and philosophical justifications for its use. However, it would seem that certain factors appear with noteworthy frequency, namely: (1) conditions permitting an accurate counting of votes; (2) the presence of common interest or of group solidarity; (3) an inclination to discuss, concede, and compromise; and (4) conviction of the need of concerted action. These factors are not advanced as the result of an exhaustive analysis, nor are they indispensable for all occasions. It is merely suggested that they are usually present.

The majority principle is simply a convenient rule of law, and contains no inherent ethical validity. A theory may serve as the basis for procedure in deliberative assemblies, and without doubt a uniform method of reaching decisions is necessary, if business is to be transacted in an orderly and expeditious manner; but the achievement of wise decisions ultimately depends upon full utilization of the best judgment of the individuals who compose groups. These may be assumed equal for the purpose of voting, but at least in some cases special attributes, such as ability and technical knowledge, must be allowed to modify a rigid use of the majority principle.

LEGISLATIVE NOTES AND REVIEWS

EDITED BY VICTOR J. WEST

Reorganization of the Administrative Branch of the Minnesota Government.[1] Students of state government know that the administrative branch has gone through an interesting development during the last century and a half. The first state constitutions gave the governor small powers. The state legislatures had powers almost equal to the English parliament. In most cases the legislatures elected the governor, performed many administrative functions through their own committees, and appointed officers to act as the governor's colleagues. These officers were finally given a constitutional basis and made elective by the voters, but not responsible to the governor. The rapidly developing functions of the state have called into existence a multitude of administrative officers, boards, commissioners, and departments with little unity, centralization, and fixed responsibility. This unsatisfactory condition created a widespread interest in the reorganization of the administrative branch of the state governments. In this movement the state of Minnesota was a pioneer.

The campaign for reorganization in Minnesota covered a period of more than ten years. The movement was inaugurated by Governor A. O. Eberhardt, who emphasized the matter in at least two messages to the legislature, but whose plea fell upon deaf ears. Finally, in sheer desperation, without authorization or appropriation by the legislature, he asked thirty of Minnesota's leading citizens to investigate the subject, make a report, and suggest a plan for improving the illogical, haphazard administrative service in the state. This committee was known as the Efficiency and Economy Commission, and deserves to rank with a constitutional convention. It was representative of all parties, professions, and business, and served without compensation and paid its own expenses.

[1] This article is based on the following: Preliminary and Final Reports of the Efficiency and Economy Commission, 1915; Report of the Interim Commission, 1925; an article by the writer in 10 Minnesota Law Review, 40; Addresses by Mr. F. B. Olson and Professor M. B. Lambie before the November meeting of the Minnesota League of Women Voters, St. Paul; Minnesota Session Laws, 1925, chap. 426.

After many meetings and a rather exhaustive investigation, the Commission made two reports and suggested a plan for reorganization. It found the chief faults of the then existing administration in lack of unity and responsibility. It found the system incoherent, with a multiplicity of disconnected or unrelated boards and bureaus over which neither the governor, the legislature, nor the people had any effective control, the result being duplication of work and unnecessary employees. It found the existing system to consist of (1) numerous unrelated branches; (2) diversity in form; (3) predominance of the board system; (4) numerous branches, including semi-public associations that received aid from the state, most of them standing entirely aloof from one another. The board system in various forms predominated. In passing, it may be said that in administration the board system results in delay and inefficiency. It distributes responsibility. Boards are good for sub-legislative and quasi-judicial work. They are useful to give advice, but not suited to administrative tasks. The Commission concerned itself, not with the powers and duties of the government, but with the method of performing its powers and duties. It did not look for graft, but for defects in the administrative system. The plan proposed did not call for any changes in the constitution.

The fundamental features of the Commission's plan consisted of (1) a reorganization of the executive service; (2) the introduction of the merit system in the civil service; (3) the budget system. The plan proposed the abolition of the executive board system and the substitution of a relatively small number of executive heads of departments, known as directors, to be appointed by the governor with the consent of the senate, and to hold office during the pleasure of the governor. These directors were to constitute a kind of governor's cabinet, similar to the cabinet of the president of the United States. They were expected to be laymen and not technical experts. The bureau chiefs and various subordinates under them were expected to be trained experts protected by the merit system. In addition to the single-member director and the bureau chief, the Commission recommended that each department should have a board, not for the purpose of performing executive functions, but for advisory, sub-legislative, and quasi-judicial functions. The aim was to combine permanent expert service with popular control, the governor being the real head of the administration.

The report and plan of the Commission were transmitted to the legislature at the 1915 session, but nothing was achieved except the passage of a denatured budget which has proved wholly ineffective. The reasons

usually assigned for the defeat of the plan are: (1) the Commission was extra-legal, *i.e.*, in no way provided or supported by the legislature, being wholly gratuitous on the part of Governor Eberhardt, whose efforts aroused resentment on the part of the legislature; (3) the lobbying activities of many officers whose positions might be affected by any change. However, the report yielded some good results. Some five years later the state department of education was reorganized and placed in the hands of a state commissioner of education elected by a newly created state board of education, thus taking education out of partisan politics. Furthermore, the report of the Commission was given wide publicity throughout the Union and undoubtedly influenced some neighboring states to achieve reorganization, notably Illinois, under the able leadership of former Governor F. O. Lowden. Minnesota's own reorganization was postponed for ten years.

The recommendations of the Efficiency and Economy Commission to the legislature of 1915 were discussed in the state from time to time during this decade. But the impulse for a second effort came as a result of the recent financial depression among the farmers and the consequent demand for lower taxes, reduced indebtedness, and the diminished cost of government. The following figures for amounts appropriated by the Minnesota legislature through a series of years will help to emphasize the mounting costs of state governments:

1900	$6,000,000	1917	$21,000,000
1910	11,000,000	1919	32,000,000
1913	19,000,000	1921	36,000,000
1915	18,000,000	1923	40,000,000

The situation had become acute. Several circumstances coöperated for bringing the subject of reorganization forward a second time. The federal government had inaugurated an effective budget, and the executive departments under the leadership of President Coolidge and Secretary Mellon were making large savings in operating expenses. In addition, there was a serious agitation in Congress for tax reduction. The present governor of Minnesota, Hon. Theodore Christianson, made a state-wide campaign in 1924 with the reorganization of the administrative branch and reduction of taxation and indebtedness as the chief issues. The governor was elected by a handsome majority. Another contributing factor was the fact that the League of Women Voters took an active part through a citizens' committee in inducing the House of Representatives at the session of 1923 to pass a resolution authorizing an interim committee to study the reorganization plans in operation in

other states and report a plan for the consideration of the 1925 legislature. The League outlined its program in a resolution passed at its annual meeting in October, 1924, favoring the passage of four bills as follows: for (1) the general consolidation of administrative agencies; (2) an executive budget; (3) salary standardization; (4) administration of public personnel. The League followed these proposals by personal, persistent, and highly intelligent lobbying in the 1925 session of the legislature.

The Senate failed to pass a resolution providing for the appointment of an interim committee to act with the House committee; but the committee authorized by the House made some trips to other states for the purpose of study and investigation and found that Illinois and Ohio are accomplishing good results through a cabinet form of government, while Pennsylvania and Massachusetts have brought about control over fiscal affairs through the creation of a department closely connected with the governor's office in which are grouped the fiscal activities of the state. This agency is called the department of administration and combines the functions of preparing the budget, checking departmental expenditures through a system of pre-audits, buying supplies and equipment, standardizing employment and salaries, and classifying positions in the civil service.

The substance of the interim committee's report to the legislature may be summarized as follows: (1) that the 92 boards, bureaus, and departments be consolidated into a few major departments; (2) that the governor be given power to limit and control the expenditures of these departments through a department of administration and finance control, in which should be centered the budget-making, auditing, purchasing, and personnel selecting functions of the state; (3) the abolition of all departments and agencies that are obsolete and the repeal of all laws creating functions which the state should no longer exercise. Mr. Spindler, a member of the committee, filed a minority report favoring the retention of boards and commissions that had rendered good service. In other words, he was not in favor of a very thoroughgoing reorganization and argued that no substantial economies would be effected unless large governmental functions were eliminated.

As the Senate in a last rush of business in the closing days of the 1923 session did not provide for an interim committee to act jointly with the house committee, it was expected that a reorganization bill would enjoy a more friendly reception in the House than in the Senate. This proved to be true. In fact the bill was almost wrecked in the Senate by

two amendments, one by a Senator De Wold and the other by Senator Rockne. The Rockne amendment prevailed and a vital blow was delivered at the bill by exempting the state board of control and the railroad and warehouse commission from control of the department of administration and finance. After a fierce struggle in the House, the bill substantially as proposed by the majority of the House interim committee, passed by a large majority. The bill went to the Senate, which refused to pass it, and the two bills were sent to a conference committee of the two houses. The Senate receded from its original plan in most respects, and with a hazy compromise on the relation of the board of control to the department of administration and finance, the bill finally passed both houses and was signed by the governor. Thus was realized legal reorganization after a ten-year fight.

The new law, which went into effect July 1, 1925, reorganizes the administrative departments of the state by centralizing administrative and financial control in the governor; creates, in addition to the executive council (which consists of five ex-officio members) thirteen departments of administration, namely—administration and finance, drainage and waters, dairy and food, agriculture, conservation, commerce, health, education, highways, labor and industry, public institutions, taxation, and rural credits. The state live-stock and sanitary board is left intact by the act. With the exception of the department of conservation and the department of commerce, only a few changes are made in the direction of consolidating administrative departments and boards of the state. The other new departments in most cases are to perform the functions previously exercised by a commission or board with a similar name, only minor functions being transferred from one department to another. There is practially no elimination of any established functions. The law authorizes the governor to combine departments without consolidating them through the device of appointing the head of any department to the head of another department without extra compensation. Governor Christianson has announced his intention to make use of this provision.

The outstanding achievement in the act is the administrative and financial control of the governor acting through a department of administration and finance. This department, or commission, consists of the comptroller, commissioner of the budget, and the commissioner of purchases, all of whom are appointed by the governor with the consent of the senate, each serving six years one retiring every two years but removable at any time by the governor, each with a salary of five

thousand dollars a year. The commission designates one of its members as a director of personnel whose duty is to supervise all matters relating to the employees of the state.

The general powers of the commission are comprehensive. The responsibility for attending to the actual work devolves upon the commission as a whole acting through its special officers, namely, the comptroller, the commissioner of the budget, the commissioner of purchases, and the director of personnel. (1) The commission supervises and controls the accounts and expenditures of the several departments and agencies of the state, which involves installing uniform systems of accounting and authorizing the expenditures of appropriations by the departments in accordance with advance quarterly estimates or a pre-audit of the needs of such departments; (2) investigates and surveys any phase of the organization, administration, and management of the various departments to secure better organization and greater efficiency; (3) supervises the making of all contracts that incur financial obligations; (4) supervises purchases, rentals, furnishing of all property, equipment, supplies and all telephone, telegraph, and lighting service, with certain exceptions, reserved to the state board of control, but subject to the general supervision of the commission; (5) supervises the construction and direction of all state buildings; (6) determines the classes, grades, and titles of employees and fixes standardized salaries except for the chief deputies appointed by elective officers and the employees of the board of control or institutions under the board of control, and through the director of personnel establishes a recruiting system based on merit; (7) through the budget commissioner prepares a budget for all receipts and expenditures of the state government not later than December first in the year preceding the convening of the legislature, which budget is made up from the estimates returned by the heads of departments on prescribed forms and must be a complete statement to be included in the governor's recommendations to the legislature with regard to the amounts to be appropriated and the means for raising the money to finance the same.

There are a few outstanding features of the powers of the department of administration and finance that call for comment. With the repeal of the 1915 law, there has been substituted a real executive budget, which, if properly made, will enable a layman to envisage the activities of the government from all points of view, including the different sources of income as well as the various expenditures. The income side of the budget, which has been sadly neglected in the past, will undoubtedly

set forth fully the facts about taxes, fees, licenses, collecting agencies and interest receipts. In the making of the budget the commissioner of the budget will need the cube of Solomon's wisdom to know whether he is checking poor departmental policy or is intruding unwisely on good policy. There is a danger of allowing an excessive zeal for economy to impair real efficiency by interfering with departmental policy through a lack of a proper perspective for necessary social values.

The quarterly pre-audit is a new and unique system in auditing. In the past the work of the auditor has consisted in seeing whether the departments have expended the appropriation for legal purposes. There has been no checking of expenditures for unnecessary purposes and no scaling down of too large amounts proposed to be expended. The effect has been for legislatures to appropriate liberally and for departments to expend with a lavish hand, often overreaching appropriations, which has necessitated deficiency appropriations at the next session of the legislature. This vicious system can now be stopped by making departments justify their proposed expenditure by having to run the gauntlet of the pre-audit. This will make them keep within the appropriation, abolish deficiency appropriations, and ought to establish a system of unexpended balances.

The merit system in selecting the civil servants is unique. The duty of classification, fixing salary scales, and controlling all the factors of employment, such as recruiting, morale, and promotion, are devolved upon the commission, acting through the director of personnel. The commission is at one and the same time the budget authority and the civil service department. This will obviate the excuses for friction between two different agencies such as prevail in the federal government and in some states and cities. These three features, the budget-making, the pre-audit, and the control of the civil service, vested in one commission with the governor as the final authority, can make or break this new reform in the administation of the Minnesota government.

The inception and final passing of the law owe much to two extra-legal agencies; namely, the Efficiency and Economy Commission of 1915 and the work of the Minnesota League of Women Voters. The commission of 1915 did pioneer work and led the vanguard in formulating basic principles which were enacted by other states, and the success in these states reacted on Minnesota and came back as bread cast upon the waters. Furthermore, all unbiased observers will acknowledge that the best political work done by women in Minnesota since the adoption of

the Nineteenth Amendment has been their constructive efforts in behalf of the reorganization of Minnesota's administrative system.

Governor Christianson gave careful consideration to selecting the officers to be charged with inaugurating the new law, which went into effect July 1, 1925. The new régime was only six months old when this account was written. The new officers are doing the initial work quietly and with little publicity. Surveys of departments are being made and new plans formulated. Occasionally an announcement appears that certain savings are being made, but it will take time to show results. The public is anxious to see the first published reports. The new law has already been tested before the state supreme court and upheld.[2]

The law is not as thoroughgoing as the plan suggested by either the Efficiency and Economy Commission of 1915 or the report of the interim commission of 1925, but a good start has been made. Minnesota, having put its hand to the plow, is not likely to turn backward. The present, or an amended and improved, plan is practically assured for the administration of the Minnesota state government.

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New York State Reorganization. The voters of New York State at the November elections passed the administrative consolidation and short ballot amendment by a good majority.

The problem of reorganization and the short ballot has been before the state since 1910, when Governor Charles E. Hughes recommended administrative reorganization and consolidation, which he said would "tend to promote efficiency in public office by increasing the effectiveness of the voter and by diminishing the opportunities of the political manipulators who take advantage of the multiplicity of elective officers to perfect their schemes at public expense." He also expressed his belief in the centralization of power in the governor, who should appoint a cabinet of administrative heads. No legislative action was taken at that time, but two years later a department of efficiency and economy was created which was concerned mainly with financial methods and budgetary procedure. In 1914 an investigation of the government and administration was begun in preparation for the constitutional convention of the next year. Two reports were published—"Government

[2] State Ex rel Thomas Yapp et al v. Roy Chase, **state auditor et al.** (Advance sheets, Minnesota Supreme Court N 425½, 1925).

of the State of New York; a Survey of Its Organization and Functions," and "New York State, Constitution and Government, an Appraisal." These two volumes are a searching survey and analysis of state government, and both were used in drafting the new constitution.

The surveys at that time showed that the administration consisted of one hundred and sixty-nine agencies, boards, commissions, officers, etc., representing an almost completely disorganized system with no centralized control or responsibility to the one nominal head, the governor. Numerous conflicts and overlapping of jurisdiction were pointed out. There were found to be sixteen separate and distinct methods of appointment, varying from appointment by the governor alone to appointment by the judiciary. At the same time, there were seven different methods of removal. The state was also found to lack any method of financial responsibility, with the result that the expense of government was far too high.

When the constitutional convention met, a plan for reorganization was laid before the committee on the governor and other state officers, and finally reported to the convention. This was incorporated in the constitution, with some modification, and provided for seventeen departments: law, accounts, finance, treasury, taxation, state, public works, health, agriculture, charities and correction, banking, insurance, labor and industry, education, public utilities, conservation, and civil service. Administrative responsibility was centered in the governor. Ten departments had heads appointed by him, two had elective constitutional officers, four departments were headed by commissions appointed by the governor and one department—education—was under the control of the regents elected by the legislature. The elective state officers were reduced to four—governor, lieutenant-governor, attorney general, and comptroller, similar to the amendment of 1925.

The constitution was defeated at the polls in November, 1915, as a result of the cumulative opposition to the document, although administrative consolidation and the short ballot were generally well received.

In 1918, Alfred E. Smith, who had been minority leader of the constitutional convention and an advocate of consolidation, was elected governor. He appointed the New York reconstruction commission which reported in 1919 on *Retrenchment and Reorganization in State Government*. This survey found one hundred and eighty-seven agencies and recommended consolidation into eighteen departments, an executive budget, and a four-year term for the governor and comptroller, the only elective officers. Ten departments were to be under single heads, two

were to be in charge of elective officers, and six were to be under commissions. When the 1920 legislature met, Governor Smith urged action on the report, and three bills were passed, following in general the plan of the reconstruction commission, and filed with the secretary of state. The election of a Republican governor in 1920, as well as a Republican legislature proved the death knell of the proposals, and their passage by a second legislature was impossible. Governor Miller expressed his preference for piece-meal change rather than a complete reorganization. The tax assessment and collection agencies of the state were consolidated under a state tax commission consisting of three members appointed by the governor for terms of six years. A department of labor was created, as well as a board of estimate and control for budget purposes.

The second election of Governor Smith, in 1922, brought to the fore the problem of reorganization, as the Democratic platform favored the ideas outlined by the Reconstruction Commission of 1919. In 1923, the department of public works was reorganized to include the bureaus of canals, highways, and public buildings, under the superintendent of public works appointed by the governor, and in the same year the legislature passed the amendment for administrative consolidation. The Democratic platform of 1924 again declared for consolidation, and the re-election of Governor Smith made it a possibility. A Republican legislature accepted the proposed amendment in 1925, and it was ready for the action of the voters.

The amendment provides for twenty departments: executive, audit and control, taxation and finance, law, state, public works, architecture, conservation, agriculture and markets, labor, education, health, mental hygiene, charities, correction, public service, banking, insurance, civil service, military and naval affairs. The legislature is given the power to assign all the civil administrative and executive functions to the departments, and no new department may be created by it.

The comptroller will be the head of the department of audit and control, and the attorney-general the head of the department of law. The regents, chosen by the legislature, are to be the head of the department of education, and the head of the department of agriculture and markets is to be appointed in a manner presented by the legislature. All others are to be appointed by the governor, with the advice and consent of the senate.

Provision is made for the short ballot, in that certain at present elective officers—secretary of state, treasurer, and state engineer and

surveyor—will be removed from the ballot. The governor, lieutenant governor, attorney-general, and comptroller will continue to be elective.

The amendment was passed as a result of the personal popularity and appeal made by Governor Smith in a state-wide speaking campaign, the editorials of papers of both parties favoring the plan, and a state-wide educational program on the merits of the short ballot and consolidation. Many rural papers opposed, using the well-worn arguments of Jacksonian democracy. But the majorities of New York and other cities of the state carried the amendment over the opposition of the upstate rural areas.

An unofficial commission has been named by the majority leaders of the legislature to frame legislation to carry out the terms of the amendment. Hon. Charles E. Hughes, who as governor of New York began the movement for reorganization, has been designated chairman, and the commission, a non-partisan body, has begun the work of framing legislation to be presented at the 1926 session.

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CONSTITUTIONAL LAW IN 1924-1925

THE CONSTITUTIONAL DECISIONS OF THE SUPREME COURT OF THE UNITED STATES IN THE OCTOBER TERM, 1924

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A. QUESTIONS OF NATIONAL POWER

I. REGULATION OF COMMERCE

The decisions arising under the commerce clause of the Constitution during the 1924 term of the Supreme Court did not involve any striking extension of national authority in that field. There was no case approaching in significance the Recapture Clause Case[1] decided in the previous term. However, the reinforcement of a familiar principle through a striking application of it, or the lucid and pungent expression of an old doctrine, lends some significance to several cases which otherwise have no far-reaching importance.

In the case of Brooks v. United States[2] the court sustained the constitutionality of the National Motor Vehicle Theft Act of 1919.[3] The act subjected to heavy penalties any one who transported or caused to be transported in interstate or foreign commerce any motor vehicle, knowing it to have been stolen, and any one who, with the same guilty knowledge, "shall receive, conceal, store, barter, sell, or dispose of any motor vehicle, moving as, or which is a part of, or which constitutes interstate or foreign commerce." It is certainly no surprise to learn from the opinion of Chief Justice Taft that the power to regulate commerce which is broad enough to enable Congress to bar from interstate transportation lottery tickets, diseased cattle, adulterated food, prize-fight films, and the like, and to penalize the interstate transportation of women for immoral purposes, is a power which can likewise be used to punish those who abuse the privileges of interstate and foreign

[1] Dayton-Goose Creek R. Co. v. United States, 263 U. S. 456. See comment in this *Review*, vol. 19, p. 51.

[2] 267 U. S. 432.

[3] Act of Oct. 29, 1919, 41 Stat. at L. 324.

commerce by using them in the furtherance of larceny or the disposal of stolen goods. In the words of the Chief Justice, "Congress can certainly regulate interstate commerce to the extent of forbidding and punishing the use of such commerce as an agency to promote immorality, dishonesty, or the spread of any evil or harm to the people of other states from the state of origin. In doing this it is merely exercising the police power, for the benefit of the public, within the field of interstate commerce." The court distinguishes this act from the first child labor law on the ground that in the interstate transportation of stolen vehicles the movement of the goods across a state line is an integral part of the illegal transaction and frequently a necessary aid to its consummation, whereas Hammer v. Dagenhart[4] proceeded upon the theory that there was no essential relation between child labor and the interstate shipment of goods made in factories where children labored. The decision in the Brooks case does not seem to depend upon any peculiar characteristic of motor vehicles or their transportation across state lines, but is broad enough to support congressional punishment of the interstate shipment with guilty knowledge of any stolen property.

In a brief opinion by Justice Holmes in the case of Avent v. United States[5] the court upheld the power given to the Interstate Commerce Commission by Title IV of the Transportation Act of 1920[6] to make reasonable rules establishing preferences or priorities in the movement of traffic in order to meet emergencies which might arise in traffic conditions. In July, 1922, the commission had made a rule applicable to the territory east of the Mississippi River providing that cars should be supplied for the movement of coal according to a certain order of purposes for the use of such coal. The plaintiff in error was convicted of having fraudulently induced railroads to supply him with coal supposedly to make gas, when in reality he intended to use it to make cement, gas manufacture being a preferred purpose under the commission's order. The statute and order were held not to violate due process of law, since the authority conferred extends only to emergencies and must be exercised reasonably and in the interest of the public. The court did not consider the allegation that the system of priorities operated to create a preference of ports in violation of Art. I, Section 9, of the Constitution of the United States,[7] inasmuch as such a preference,

[4] 247 U. S. 251.

[5] 266 U. S. 127.

[6] Act of Feb. 28, 1920, 41 Stat. at L. 456.

[7] The clause reads: "No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another . . . ."

even if it existed, would not affect the rights of the plaintiff in error.

The operation of the Chicago Drainage Canal continues to give rise to interesting intergovernmental controversies.[8] The case of Sanitary District v. United States[9] arose out of a bill in equity brought by the Attorney General of the United States to enjoin the Sanitary District of Chicago from diverting more than 250,000 cubic feet of water per minute from Lake Michigan, that being the maximum amount authorized by the Secretary of War. It was alleged that the withdrawal of a much greater amount, from 400,000 to 600,000 cubic feet per minute, has lowered and will continue to lower the level of the water in Lakes Michigan, Huron, Erie, and Ontario, with all connecting waterways and all ports and harbors on them, so as to obstruct the navigability of such waters. The defense set up by the sanitary district emphasized the paramount necessity to the City of Chicago of adequate drainage facilities and the larger flow of water, cited various early statutes, state and federal, purporting to authorize the construction and operation of the canal, and finally, to quote Justice Holmes who writes the opinion of the court, "it takes the bull by the horns and denies the right of the United States to determine the amount of water that should flow through the channel, or the manner of the flow." The fact that the injunction prayed for was granted is perhaps less significant than the broad grounds upon which it was granted and the interesting implications regarding the scope of federal authority contained in the opinion of the court. Said Justice Holmes:

"This is not a controversy between equals. The United States is asserting its sovereign power to regulate commerce and to control the navigable waters within its jurisdiction. It has a standing in this suit not only to remove obstruction to interstate and foreign commerce,—the main ground, which we will deal with last,—but also to carry out treaty obligations to a foreign power bordering upon some of the lakes concerned, and, it may be, also on the footing of an ultimate sovereign interest in the lakes. The Attorney General, by virtue of his office, may bring this proceeding, and no statute is necessary to authorize the suit."

This paramount authority of the national government is superior to "that of the states to provide for the welfare or necessities of their inhabitants." And even if the state had been granted permission by the national government to take more water than the amount authorized

[8] See the earlier important interstate controversy brought before the Supreme Court in Missouri v. Illinois, 200 U. S. 496, decided in 1906.

[9] 266 U. S. 405.

by the war department, which the court does not admit, that permission would be revocable at discretion should federal interests demand it. While the power of the federal courts to afford injunctive relief against obstructions of interstate commerce, in the absence of statutory authority, was established in the Debs case,[10] it is believed that the court has never clearly announced the existence of a similar power to prevent by injunction interference with national treaty obligations. Certainly the doctrine stated by Justice Holmes upon this point is most interesting to students both of constitutional and of international law.

In United States v. Village of Hubbard[11] the doctrine of the Shreveport Case[12] was applied to prevent discrimination by interurban electric railroads against interstate commerce, even though such roads were not engaged in the general freight business but confined themselves to passenger and express traffic. The court found no evidence of an intention on the part of Congress to exclude electrically operated lines from the jurisdiction of the Interstate Commerce Commission. The decision is in harmony with previous findings of the court,[13] as well as with the desires of Congress as evidenced by certain provisions of the Transportation Act of 1920 which include electric interurban lines within the range of federal control.[14]

II. NATIONAL TAXATION

In 1920 the Supreme Court held in the case of Evans v. Gore[15] that a federal judge could not be required by the provisions of a statute enacted after he assumed office to pay a federal income tax upon his judicial salary. Such a tax was declared to amount to a diminution of his compensation within the meaning of Art. III, Sec. I, of the Constitution of the United States. That decision and the reasons upon which it was supported have been ably criticized in the pages of this REVIEW and elsewhere.[16] The court now holds, in the case of Miles v. Graham,[17]

[10] 158 U. S. 564.

[11] 266 U. S. 474.

[12] Houston, E. & W. T. R. Co. v. United States, 234 U. S. 342.

[13] In Spokane and Inland R. Co. v. Campbell, 241 U.S. 497, the Federal Employers' Liability Act, applicable to "every common carrier by railroad engaging in commerce between states," was held to apply to electric interurban lines.

[14] Newark v. Central R. Co. of N. J., 267 U. S. 377, holds that congressional power over foreign and interstate extends to the authorization of a railroad bridge with draws over a navigable bay lying wholly within the boundaries of a state.

[15] 253 U. S. 245.

[16] See Professor Corwin's comment on the case in the REVIEW, vol. 14, p. 641.

[17] 268 U. S. 501.

Justice Brandeis dissenting, that this immunity from federal income taxation extends to federal judicial salaries, even though the taxing statute was in force when the judge assumed office. In other words, the salaries of federal judges cannot be reached at all by taxation. While, as was emphasized in the comments on the earlier case, it is hard to see how any possible impairment of judicial independence could result from subjecting the salaries of federal judges to the same income tax levies which are paid by other people, the present decision does have the advantage of treating all federal judges alike instead of limiting the immunity from taxation to those lucky enough to have been appointed to office before the tax was levied.

The Harrison Narcotic Drug Act of 1914, as later amended in 1919,[18] imposes special taxes upon those authorized by the act to manufacture, sell, or dispense narcotic drugs, sets up a rigorous system of restrictions under which such drugs may be sold or dispensed, and imposes heavy penalties upon persons selling or dispensing them in any other way. While no one would be naive enough to assume that the real purpose of this law was to raise revenue, the Supreme Court in the Doremus case,[19] in a five-to-four decision, upheld the conviction of a physician who had supplied a drug addict with large quantities of narcotics in violation of the rules established, on the ground that the police regulations set up by the act were reasonably necessary to the efficient collection of the tax. In the case of Linder v. United States[20] a physician was indicted under the act for having prescribed in the ordinary course of his professional practice four doses of narcotic drugs to an addict to be self-administered, the prescription being made without the written application which the law required. The court unanimously held that the statute cannot constitutionally be construed to forbid such an act. The court must presume that the object of the act is to secure revenue. Any police regulation set up by its clauses must be reasonably designed to promote the efficient collection of such revenue. The dispensing of drugs by a physician, acting in good faith and according to fair medical standards, does not imperil the orderly collection of revenue from the sale of drugs and may not, therefore, be prohibited by Congress.[21]

[18] Act of Dec. 17, 1914, 38 Stat. at L. 785; Act of Feb. 24, 1919, Chap. 18, 40 Stat. at L. 1057, 1130.

[19] 249 U. S. 86.

[20] 268 U. S. 5.

[21] It is held in Edwards v. Cuba R. Co., 268 U. S. 628, that subsidies of lands, physical property, and money paid by the government of Cuba for the construction of roads on the island, in consideration of which the roads were to reduce certain rates, are not income of the roads within the meaning of the Sixteenth Amendment.

III. THE EIGHTEENTH AMENDMENT

That the power of Congress to enforce the Eighteenth Amendment extends to the regulation of the manufacture and distribution of completely denatured alcohol, totally unfit for beverage purposes, is established in the case of Selzman v. United States.[22] Chief Justice Taft declares: "The ignorance of some, the craving and hardihood of others, and the fraud and cupidity of still others, often tend to defeat" the object of the denaturing process, and accordingly "it helps the main purpose of the Amendment, therefore, to hedge about the making and disposition of the denatured article every reasonable precaution and penalty to prevent the proper industrial use of it from being perverted to drinking it."

IV. EXECUTIVE POWER—PRESIDENTIAL PARDON FOR CONTEMPT

A very significant case is that of Ex parte Grossman,[23] which sustains the power of the president to pardon a person guilty of a criminal contempt of a United States court. Grossman was adjudged guilty of contempt of the United States district court for having sold liquor to be drunk on his premises after an injunction forbidding such sale had been issued against him by the court under the provisions of the Volstead Act. He was sentenced to a year's imprisonment and the payment of a fine. The president granted him a pardon which commuted his sentence to the payment of the fine alone. The superintendent of the prison to which Grossman had been committed declined to release him, alleging the lack of power in the president to issue the pardon, and the case came to the Supreme Court on application for a writ of habeas corpus to secure Grossman's release.

It was argued against the validity of the president's action that the power of pardon which he enjoys extends only to "offenses against the United States"[24] which should be construed to include only offenses which are definitely created by statute and are triable by jury, and also that to extend the power of pardon to contempts of court "would be to violate the fundamental principle of the Constitution in the division of powers between the legislative, executive, and judicial branches, and

[22] 268 U. S. 466.

[23] 267 U. S. 87.

[24] The constitutional provision for the pardoning power of the President is in the following words: "and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment." Art. II, Sec. 2., U. S. Const.

to take away from the federal courts their independence and the essential means of protecting their dignity and authority." The Supreme Court held unanimously that the pardon was properly issued. In a very able opinion Chief Justice Taft points out that the framers of the Constitution used the term pardon in its accepted common law sense, that the common law recognized the authority of the king to pardon for criminal contempts, and that the power of the president was intended to be as broad as the king's prerogative in the matter of pardons. He also argues that the phrase "offenses against the United States" as stating the subject of the president's power to pardon was merely intended to distinguish between offenses against the federal government and those against the states, the latter of which were, of course, beyond the reach of federal executive clemency. The argument that the power was intended to apply only to statutory crimes is met by pointing out that many of the framers of the Constitution, as well as most of the early federal judges, assumed that the federal courts had common law criminal jurisdiction, and that the power of pardon must obviously have been intended to extend to such common law offenses against the federal government. That the exercise of such power is neither novel nor revolutionary is indicated by the fact that the records of the department of justice disclose twenty-seven instances in which it has been used. The court is obviously not impressed by the argument that the power to pardon for contempts violates the doctrine of separation of powers and impairs the independence of the judiciary. There is nothing sacred or immutable about the separation of powers, as is evidenced by the many instances in the federal constitution in which it has been ignored. The judiciary is in no danger from the exercise of this power. It is no more serious an interference with the independence of the courts than is the power to pardon for ordinary crimes. The remedy for an abuse of the power in either case lies in the power of impeachment. Finally, it is suggested, "may it not be fairly said that in order to avoid possible mistake, undue prejudice or needless severity, the chance of pardon should exist at least as much in favor of a person convicted by a judge without a jury as in favor of one convicted in a jury trial."

It should be noted that the decision in this case recognizes the power to pardon only for criminal contempts. The power does not extend to civil contempts. "For civil contempts, the punishment is remedial and for the benefit of the complainant, and a pardon cannot stop it. For criminal contempts, the sentence is punitive in the public interest to vindicate the authority of the court and to deter other like derelictions."

But the president's pardon extends to all criminal contempts, not only those which are indirect or constructive as being committed outside the court and involving no obstruction of justice, but also those which are direct, committed in the presence of the court, and which may tend to interfere with orderly judicial proceedings, or otherwise imperil the dignity of the court.

The question remains unanswered whether the president could pardon for contempt of a legislative body. The writer believes that the court which decided the Grossman case would uphold also the exercise of the pardoning power in such a case. It has been pointed out that both Story and Rawle took the opposite view[25]; but it will be observed that they based their conclusions upon the separation of powers theory, or the necessity for legislative immunity from executive interference. The opinion in the present case indicates that that argument has happily lost most of its appeal; and if contempt of court may be pardoned on the general theory that it is an offense against the government it is difficult to see why a contempt against the legislature is not also an offense against the government and equally subject to executive clemency.

V. THE FEDERAL BILL OF RIGHTS—THE SEARCH AND SEIZURE CASE—MISCELLANEOUS

One of the difficult problems facing the officers charged with the duty of enforcing the Volstead Act has been the problem of securing evidence against bootleggers without violating the Fourth Amendment forbidding unreasonable searches and seizures. Earlier cases, notably the Weeks case[26] and the Gouled case[27] had established the eminently sensible and just rule that evidence secured by unreasonable search and seizure upon the part of agents of the government could not be used against the accused in a criminal prosecution. But these cases had not thrown much light upon the exact character of unreasonable searches and seizures under modern circumstances, and the important problem of the concrete nature of the rights of bootleggers under the Fourth Amendment remained unsolved. Hence the significance of the case of Carroll v. United States,[28] which clarifies the limits of search and seizure

[25] See the interesting comment on this case by Dean J. P. Hall in 20 Ill. Law Rev. 165. See Story on the Constitution (5th ed.) Sec. 1503, and Rawle, p. 165.

[26] Weeks v. United States, 232 U. S. 383.

[27] Gouled v. United States, 255 U. S. 298.

[28] 267 U. S. 132.

in the enforcement of the National Prohibition Act. The facts of the case are of importance. Prohibition agents in Detroit, acting incognito, interviewed Carroll, who agreed to sell them whisky. For reasons which do not appear, the whisky was not delivered. Later Carroll and a friend travelled toward the Canadian border, but the agents lost trace of their movements. Some two weeks later the agents, while patrolling the highway leading from the Canadian border, unexpectedly recognized Carroll and his friend driving a car toward Detroit. The car was stopped, the two men arrested, and the car searched, disclosing liquor hidden therein. The liquor, held for later confiscation, was used as evidence in the prosecution, which resulted in the conviction of Carroll. A well-reasoned opinion written by Chief Justice Taft holds that Carroll's rights under the Fourth Amendment, and under the enforcement provisions of the Volstead Act, were not impaired. This opinion may be thus summarized: (1) The Prohibition Act requires a search warrant in order to search a private dwelling, but permits the search and seizure without such warrant of vehicles which there is reasonable or probable cause to believe are being used for the unlawful transportation of liquor. This latter procedure does not violate the Fourth Amendment. A study of early cases and statutes shows that there has always been recognized a "necessary difference between a search of a store, dwelling-house, or other structure in respect of which a proper official warrant readily may be obtained, and a search of a ship, motor-boat, wagon or automobile for contraband goods, where it is not practicable to secure a warrant because the vehicle can be quickly moved out of the locality or jurisdiction in which the warrant must be sought." (2) The defendant relies upon a common law rule that a person may be arrested without warrant upon suspicion, upon reasonable cause, for having committed a felony, but arrest may be made without warrant for a misdemeanor only if the offense is committed in the presence of the officer. Carroll's offense (his first) under the statute is a misdemeanor. But this distinction between a felony and misdemeanor, while important at the time this rule was established, has become a technical and more or less arbitrary one now and need not be enforced here to prevent the efficient administration of the law. Furthermore, the contention is untenable that the offense is not committed in the presence of the officer unless the presence of the liquor can be detected by the senses; but the officer may act upon "convincing information that he may have previously received" that the automobile he sees contains contraband liquor. (3) In any event the legality of the seizure does not depend upon the legality of

the arrest under the above rules of common law, but is an independent process dependent upon the reasonable cause which the officers have for believing that the car in question contains liquor in violation of the law. (4) Finally, upon the facts as above set forth there was probable cause to believe that the law was being violated. The fact that the officers were not looking for Carroll when he appeared is irrelevant. The knowledge they had regarding him was sufficient to meet the test of probable cause previously defined by the court in these words: "If the facts and circumstances before the officer are such as to warrant a man of prudence and caution in believing that the offence has been committed."

In a long and vigorous dissenting opinion, concurred in by Mr. Justice Sutherland, Mr. Justice McReynolds argues with some heat that Carroll's arrest was in violation of the common law rules set forth above which there is no evidence Congress intended to modify, that the seizure was unlawful since it followed an unlawful arrest, and that there was not probable cause to warrant the officers in making the arrest or the seizure. The argument is built up on rules and distinctions somewhat technical in nature and seems much less convincing than the majority opinion. The answer to Justice McReynolds' rhetorical question, "Has it come about that merely because a man once agreed to deliver whisky, but did not, he may be arrested whenever thereafter he ventures to drive an automobile on the road to Detroit," is that it certainly has, and that most of us are not sensitive enough to feel that such a result violates the requirements either of justice or of common sense. The result of the case so far as "probable cause" justifying search and seizure is concerned seems aptly summarized by Dean J. P. Hall in stating that "it seems likely that a common reputation in the community of being a 'bootlegger' would justify prohibition agents in stopping and searching automobiles driven by persons thus suspected by their neighbors."[29] While abuses will undoubtedly occur in individual cases under the operation of the rules laid down in this case, injured persons are not without means of redress, and it is submitted that the court's decision is a sensible one if the prohibition law is to be enforced, and does not involve any essential injustice.[30]

[29] See his note on this case in 20 Ill. Law Rev. 162.

[30] The court throws further light upon the meaning of "probable cause" justifying search and seizure in the cases of Steele v. United States, 267 U. S. 498, and Dumbra v. United States, 268 U. S. 435.

The case of McCarthy v. Arndstein,[31] dealing with the latest vicissitudes of a well-known "financier," holds that the constitutional right of exemption from self-incrimination extends to all actions, whether civil or criminal, including the case of a bankrupt being examined for the discovery of assets, in which the answers might subject to criminal responsibility the one who gives them. A distinction is drawn between the requirement that a bankrupt surrender his books and papers even though they may contain incriminating evidence, and an attempt to compel him to give oral testimony, the difference being that the books and papers are properly regarded as part of the estate which he must relinquish. If the rule as here enforced works injustice to the bankrupt's creditors it is within the power of Congress to adjust that difficulty by dipping the bankrupt in the well-known "immunity bath."[32]

The one or two cases which arose under the due process clause of the Fifth Amendment merit only brief comment. In National Paper and Type Co. v. Bowers[33] the plaintiff corporation alleged denial of due process by virtue of the fact that it was required to pay an income tax upon its net profits derived from the business of exporting goods, while foreign corporations doing the same kind of business in the United States were exempt from the tax. The court held the alleged discrimination justifiable because foreign corporations are liable to taxation at the hands of their own governments, because their exemption from taxation may be part of a legitimate governmental policy to increase foreign trade, and because foreign corporations do not receive from this government the forms of governmental protection of their rights enjoyed by domestic companies. Foreign corporations, therefore, are taxed only on the income earned within the United States, while domestic corporations may be taxed upon their incomes from all sources.[34]

In Yee Hem v. United States[35] a conviction for the crime of concealing opium after importation with guilty knowledge that it had been unlawfully imported was sustained against the objection that due process

[31] 266 U. S. 34.

[32] The familiar rule laid down in the case of United States v. Evans, 213 U. S. 297, that no writ of error may be allowed the government in a criminal case where the verdict is for the accused, is held in United States v. Weissman, 266 U. S. 377, to apply in a case in which the trial judge had directed a general verdict of not guilty because the indictment was defective.

[33] 266 U. S. 373.

[34] For supplementary opinion upon the same point overruling petition for rehearing see Barclay & Co. v. Edwards, 267 U. S. 442.

[35] 268 U. S. 178.

was denied by the provision of the statute creating a presumption of unlawful possession from the bare fact of possession. The law allowed the presumption to be rebutted, and the court found that there was a reasonable relation between the thing presumed and the fact from which it was presumed. The fact that under such circumstances the defendant must rebut the presumption does not violate the clause guaranteeing immunity from self-incrimination, since there is no legal compulsion resting upon him to take the stand in his own defense.[36]

VI. JUDICIAL POWER—JURY TRIAL FOR CRIMINAL CONTEMPTS—MISCELLANEOUS

A decision of even greater practical significance than that in the Grossman case was rendered by a unanimous court in Michaelson v. United States,[37] upholding the so-called "jury trial provision" of the Clayton Act.[38] Persons violating the prohibitions of the act may be proceeded against either by injunction or by indictment. Those guilty of violation of an injunction so issued may be punished for contempt of court, but are specifically given the right of jury trial upon demand. This right to jury trial is definitely withheld in the case of contempts committed in the presence of the court or so near thereto as to obstruct the administration of justice. Michaelson and others had been enjoined from conspiring to interfere with interstate commerce by picketing and by the use of force and violence, had violated the injunction, had been cited for contempt of court, and had demanded a jury trial. This demand was denied, and they were tried and sentenced without a jury, the lower court holding that the jury trial provision of the Clayton Act was unconstitutional as an interference with an inherent power of the courts. The opinion of the Supreme Court reversing this decision is written by Justice Sutherland. He points out that while the power to punish for contempt is inherent in all courts since it is essential to the administration of justice, it has long been recognized that this power, so far as the lower federal courts are concerned, is subject to congressional control. This was held in the early case of Ex parte Robinson.[39] What the precise limits of such control are has never been definitively

[36] The case of Danzer & Co. v. Gulf & Ship Island R. Co., 268 U. S. 633, sets up the barrier of due process of law against the attempted revival of claims against the carrier already barred by the Interstate Commerce Act.

[37] 266 U. S. 42.

[38] Act of Oct. 15, 1914, 38 Stat. at L. 738.

[39] 19 Wallace 505.

established, although it has been recognized that the power itself cannot be abrogated nor rendered inoperative. The provision for a jury trial in the types of contempts specified in the act does not amount to substantial interference with the court's power. It is not applicable to direct contempts which imperil the dignity of the court or obstruct justice, nor does it apply in cases of failure or refusal to comply affirmatively with a decree. It applies only in cases of indirect criminal contempts which are also crimes. Here the presumption of innocence obtains, and the same protections ought to surround the accused as in an ordinary criminal prosecution. And, finally, citing the Transactions of the Royal Historical Society, the court finds that such contempts are so essentially of the nature of crimes "that it seems to be proved that, in the early law, they were punished only by the usual criminal procedure, and that, at least in England, it seems that they still may be and preferably are, tried in that way." Thus the sanction of the common law tradition is added to the more practical considerations supporting the jury trial procedure in such cases.

It is perhaps not entirely irrelevant to point out the possible soothing influence of the Grossman and Michaelson decisions upon a public opinion, even a somewhat conservative public opinion, which has been watching with increasing concern the rapid expansion of "government by injunction." Necessary as the injunctive process and summary punishments for contempt of court may be, it is cause for congratulation that the Supreme Court has been able to sustain on constitutional grounds such mitigations of the essentially rigorous and sometimes arbitrary nature of these acts of judicial power as may arise in the normal exercise of executive clemency or from the legislative provision for the more deliberate and satisfactory procedure of jury trial.

It was held in Morse v. United States[40] that no constitutional right of an accused person is invaded by his arrest under authority of a federal court while he is passing through a state on his way to attend a trial of an indictment against him in another federal court, in this instance a court of the District of Columbia. There is no denial here of due process of law. If any one was aggrieved by the fact that the United States marshal in New York snatched Morse away from the agents of the District of Columbia in apparent violation of the rule of comity requiring that one court respect the jurisdiction of another, it certainly was not Morse, and he is not in a position to profit by any such exhibition of bad manners.[41]

[40] 267 U. S. 80.

[41] Silberschein v. United States, 268 U. S. —, holds that the decisions of the

VII. QUESTIONS OF STATUTORY CONSTRUCTION

1. THE ANTI-TRUST ACTS

Another chapter in the story of the long struggle between the miners and the Coronado Coal Company was written during this term of court. In the first Coronado Coal Co. case,[42] decided in 1922, the court had created a profound sensation by holding that a labor union could be sued for damages. It was the American Taff-Vale decision. The court had held, however, that the international miners' union could not be held liable for the occurrences of this particular strike since they had assumed no responsibility in the matter, and the case was sent back to the trial court for appropriate action. The lower court thereupon directed a verdict in favor of all the defendants, including the local union as well as the international. This action came before the Supreme Court for review in Coronado Coal Co. v. United Mine Workers of America.[43] The previous ruling as to the international union was re-affirmed, but the court found evidence indicating a conspiracy on the part of the individual defendants and the local union to obstruct interstate commerce. This was inferred from the fact that the strike was aimed to prevent coal from being mined in competition with coal in other states. The directed verdict in favor of the local union was found, therefore, to be error and a new trial was ordered.

Two cases of considerable interest to business men and economists alike are the cases of Maple Flooring Manufacturers Assoc. v. United States,[44] and Cement Manufacturers Protective Association v. United States,[45] in which the so-called "open price agreements" in accordance with which these two trade associations carried on their operations were scrutinized for possible violations of the federal anti-trust acts. In the American Column & Lumber Co.[46] and the American Linseed Oil Co. Cases,[47] somewhat similar plans for "open competition" had been held unlawful, since the court regarded the arrangement for the exchange

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director of the Veteran's Bureau are final "unless the decision is wholly unsupported by evidence, or is wholly dependent upon a question of law, or is seen to be clearly arbitrary or capricious."

[42] United Mine Workers of America v. Coronado Coal Co., 259 U. S. 344.
[43] 268 U. S. 295.
[44] 268 U. S. 563.
[45] 268 U. S. 588.
[46] 257 U. S. 377.
[47] 262 U. S. 371.

of detailed trade information as a "concerted action in the curtailment of production and increase of price, which actually resulted in a restraint of commerce, producing increase of price." In the present cases the court failed to find any definite restraint of trade although the provisions for the dissemination of facts regarding prices, productions, etc., were closely analogous to those under review in the earlier cases, so close in fact that one is inclined to feel that the later decision represents a change of mind on the part of the court. A vigorous dissenting opinion was written by Justice McReynolds, who had written the majority opinion in the American Linseed Oil Company Case, concurred in by Justices Taft and Sanford, bitterly attacking the decision as allowing a subterfugeous violation of the prohibitions of the Sherman Act. The result reached, however, and the opinion of Justice Stone supporting it, constitute both good law and good economics. It seems clear that competition is not normally restrained by organized publicity with reference to business methods, prices, and other trade matters, and these cases applying the "rule of reason" to trade associations represent an intelligent approach to an important problem of modern business organization.

2. THE TRANSPORTATION ACT OF 1920

It is no news to learn that the Transportation Act of 1920 did not, by creating the Railway Labor Board, establish a system of compulsory arbitration for labor disputes between interstate carriers and their employees. The case of Pennsylvania R. R. System & Allied Lines Federation v. Pennsylvania R. R. Co.[48] holds that the failure of the road to comply with the findings of the board does not subject the company to any civil or criminal liability. The decrees of the board cannot be enforced by mandamus, but must depend for their sanction upon publication and the resulting force of public opinion. This result was forecast by the decision of the court in Pennsylvania R. R. Co. v. Railway Labor Board, in 1923.[49]

3. PUBLICITY OF INCOME TAX RETURNS

After thousands of persons of substantial means had been grieved and shocked to have their income tax returns published in the daily press the government brought criminal actions against certain newspaper publishers in an effort to determine whether Congress in providing for

[48] 267 U. S. 203.
[49] 261 U. S. 72.

the publicity of income tax returns could have meant what it said. It learned from the decision in United States v. Dickey[50] that it did. The clause of the act requiring that the returns should be "made available for public inspection" was held to protect the press from prosecution under the provision penalizing the printing or publication of returns in any manner "not provided by law."

4. THE RIGHTS OF ALIENS

Two cases involving the rights of orientals to acquire United States citizenship came before the court, and in each case the right was denied. Toyota v. United States[51] arose under the provisions of the act of 1919 allowing "any person of foreign birth who served in the military or naval forces of the United States during the present war" to become naturalized under very liberal regulations. The court, speaking through Justice Butler, held that this provision does not mean literally "all persons of foreign birth," but was intended essentially to permit the naturalization of Filipinos, who, since they are not aliens, could not be naturalized under the regular statutes. Consequently Toyota, a Japanese, who had served some ten years in the United States Coast Guard Service, receiving more than eight honorable discharges, had his certificate of naturalization (improvidently issued by a literal-minded district court) cancelled. Chief Justice Taft dissented without separate opinion.

In Chang Chan v. Nagle[52] it is held that under existing statutes a Chinese woman marrying an American citizen does not acquire American citizenship by virtue of that marriage, nor does she become eligible to naturalization. That she may, however, enter the country has been decided by a federal district court in the case of Ex parte Chiu Shee,[53] a ruling upon which the Supreme Court has not as yet passed.

B. QUESTIONS OF STATE POWER

1. THE FOURTEENTH AMENDMENT

1. The Meaning of "Liberty"

A superficial glance at the judicial history of the Fourteenth Amendment would perhaps justify the conclusion that the due process clause

[50] 268 U. S. 378.
[51] 268 U. S. 402.
[52] 268 U. S. 346.
[53] 1 Fed. (2d) 798.

has been essentially a protection to property and the rights appertaining to it. The social and economic legislation invalidated or sustained under it has affected freedom of contract, regulated methods of business, or imposed burdens which were economic in character. The range of legislative interference in men's affairs, whether justifiably or not, is rapidly increasing, and the individual citizen is beginning to feel more and more the pressure of legislative restraint previously reserved for the business man or the corporation. And these laws designed to regulate in varying degrees what one may drink, smoke, wear, say, print, or teach, or how one may educate one's children, are bringing to the courts under the Fourteenth Amendment a series of cases of enormous importance as marking out the character and extent of the "liberty" which may not be denied without due process of law.

These cases are interesting also because they emphasize how effectually, in spite of the famous decisions of the Reconstruction period, the civil rights of the ordinary individual have been "nationalized," or placed under federal protection. It has been axiomatic for nearly a hundred years that the federal bill of rights does not restrain state action,[54] and in Maxwell v. Dow[55] the court held that the guarantees of the first eight amendments are not included in the privileges and immunities of citizens of the United States which the states are forbidden by the Fourteenth Amendment to abridge. It has become customary to say, therefore, that for any invasion by the state governments of such liberties as are safeguarded in the federal bill of rights one must depend for redress upon the bills of rights of state constitutions as enforced in the state courts. While this is undoubtedly true, it is also true that recent decisions of the Supreme Court hold, or suggest *in dicta*, or imply that "liberty" in the due process clause of the Fourteenth Amendment includes freedom of speech, religion, and allied civil liberties.[56] There is reason to believe that the same result would be reached with respect to freedom of assembly and protection against

[54] Barron v. Baltimore, 7 Peters 243.

[55] 176 U. S. 581.

[56] In Meyer v. Nebraska, 262 U. S. 390, Justice McReynolds makes this statement regarding the meaning of the term "liberty" as used in the due process clause: "Without doubt, it denotes not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience and generally to enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness by free men."

unreasonable searches and seizures. It has been definitely held, on the other hand, that due process of law does not include protection against self-incrimination,[57] grand jury indictment,[58] or jury trial,[59] among the various procedural guarantees accorded by the federal bill of rights to persons accused of crime. Perhaps it would be substantially accurate to borrow the distinction drawn in the Insular Cases, which in applying the provisions of the bill of rights to unincorporated territories, classified those provisions into those which are fundamental as contrasted with those which are procedural or remedial,[60] and say that all of the really fundamental rights secured by the first eight amendments may be subsumed under the term "liberty" in the due process clause and as such will be protected by the federal courts against state aggression.

It is in line with the doctrine just discussed that the case of Gitlow v. New York[61] came to the Supreme Court under the Fourteenth Amendment. Did the New York Criminal Anarchy Act of 1902 under which Gitlow was convicted violate due process of law by arbitrarily abridging freedom of speech and press? While admitting the question to be properly raised, the court held, seven to two, that it did not. The restriction upon freedom of speech and press involved was not arbitrary, but was reasonably designed to conserve the public safety and welfare and could properly be imposed under the state's police power. The implication is obvious, however, that had the restraint not been deemed reasonable it would have been held to violate the due process clause. The case is interesting as involving the first decision of the court upon the validity of a peace-time restriction upon public utterance and publication. The act, passed long before the war, was violated by Gitlow after the war, by the publication of the "Workers' Manifesto" urging the laboring group to adopt violent measures to secure their rights. It is to be regretted that in dealing with the case the court applied once more the "bad tendency" test which was set up in the Abrams Case[62] and later war-time cases, in accordance with which one may be punished for utterances or publications the general tendency or effect of which is toward the culmination of objects which might properly

[57] Jordan v. Massachusetts, 225 U. S. 167.

[58] Hurtado v. California, 110 U. S. 516.

[59] Twining v. New Jersey, 211 U. S. 78.

[60] A clear statement of this distinction is found in Hawaii v. Mankichi, 190 U. S. 197.

[61] 268 U. S. 652.

[62] Abrams v. United States, 250 U. S. 616.

be forbidden. The sounder rule laid down by Justice Holmes in the Schenck Case[63] would permit punishment only for words uttered under circumstances such as to create a "clear and present danger," and it was because of their insistence upon this rule that Justice Holmes and Brandeis were led to dissent in the present case. Since this decision, Gitlow has been pardoned by Governor Smith.

The Oregon School Law, enacted by popular initiative in 1922, requiring all children of school age to attend the public schools of the state, attracted nationwide attention, and the Supreme Court's decision in the case of Pierce v. Society of Sisters of Holy Names,[64] invalidating it as an abridgment of the liberty guaranteed by the due process clause of the Fourteenth Amendment, was received with very general approval. Without questioning the state's right to regulate its public schools, or to compel children of school age to be in school, the court concluded that education cannot be made a state monopoly, that children are not wards of the state, and that parents, under the Constitution, enjoy the right to direct the education of their children by selecting the school, if it be an adequate one, which they may attend. The owners of private schools and those who teach in them also enjoy a constitutional right to continue undisturbed in the practice of a business and a profession which, so far from being deleterious, is helpful and beneficial. The opinion of Justice McReynolds is brief and relies heavily upon the case of Meyer v. Nebraska,[65] holding that the state can not, consistently with due process, forbid the teaching of foreign languages in private schools. It will be noted that neither the Meyer case nor the Pierce case, dealing as they do with attempts to regulate private schools by state law, furnishes any direct precedent applicable to the Tennessee Anti-Evolution Act, now in litigation, which forbids the teaching of evolution in the tax-supported schools of the state.

2. The Police Power

In Wolff Packing Co. v. Court of Industrial Relations[66] the Supreme Court completed the work of emasculating the Kansas court of industrial relations by holding, in substance, that it is a denial of due process of law to impose a system of compulsory arbitration upon a competitive business not affected with a public interest. In the case

[63] Schenck v. United States, 249 U. S. 47.
[64] 268 U. S. 510. —
[65] 262 U. S. 390.
[66] 267 U. S. 552.

bearing the same name decided in 1922,[67] the court had held void those sections of the Kansas statute authorizing the court of industrial relations to set up a judicially enforcible wage rate in the packing industry, and had remanded the case back to the state court for further action. The present case came up on error from the supreme court of Kansas which, after the earlier decision, had vacated its original judgment enforcing the industrial court's wage scale, but had issued a mandamus to compel compliance with that portion of the order of that tribunal which fixed hours of labor. In holding this part of the order void, the Supreme Court struck, not at the intrinsic content of the order, which, under the doctrine of Bunting v. Oregon,[68] would seem clearly constitutional, but at the process of compulsory arbitration by which the order was issued. This, declared Justice Van Devanter, was an arbitrary interference with freedom of contract, since a business not affected with a public interest cannot be compelled to submit to regulations thus imposed. It is safe to say that this decision effectually destroys the last vestige of power given by the statute to the court of industrial relations to enforce its decrees by judicial methods. While its authority to "enjoin strikes in order to prevent the interruption of operation in essential industries" has not yet been the subject of litigation, there seems no logical ground upon which that power can be sustained consistently with the decisions already rendered. Thus the famous Kansas tribunal ceases to be a court and becomes merely an investigating board similar to the railway labor board with power to enforce its findings only by resort to the sanctions of public opinion.

The case of Samuels v. McCurdy[69] pushes to the farthest extreme the right of the states to deal with the liquor problem. It sustains a Georgia statute entirely forbidding the possession of liquor for personal use, even when the liquor was lawfully acquired before the enactment of the law. This goes a step beyond the case of Crane v. Campbell,[70] in which possession for personal use was forbidden when the liquor was acquired after the enactment of the law. But the court regards the Georgia statute as a not unreasonable means of preventing unlawful manufacture and use of intoxicants, and a legitimate method of reducing the evils of drunkenness. Justice Butler wrote a vigorous dissenting

[67] 262 U. S. 522.
[68] 243 U. S. 426.
[69] 267 U. S. 188.
[70] 245 U. S. 304.

opinion denying that there is any relationship between this drastic regulation and any legitimate object of the police power.

The court sustained the New York "kosher" meat statute of 1922 in the case of Hygrade Provision Co. v. Sherman.[71] Since the penalties of the act applied only to those who "with intent to defraud" sold meat as "kosher" which is not so, the act could not be held void for uncertainty. The act seems to fall clearly under the state's police power to prevent deception and fraud, and the alleged interference with interstate commerce was found to be too trivial to have any weight.

In Yeiser v. Dysart[72] the right of the state to fix the amount of attorneys' fees for prosecuting claims under a workmen's compensation act is sustained. In this instance the fees were to be fixed by the court. Such legislation is declared to be necessary for the protection of injured persons from improvident contracts, an object long recognized as a legitimate end of police legislation. Furthermore, the right to practice law is a right coming from the state and may be surrounded by the state with such conditions as are deemed necessary to the public good. The decision seems consistent with the theory that the lawyer is an officer of the court and as such may be burdened with obligations which could not be imposed on members of other professions.[73]

3. Taxation

A very important case in the constitutional law of taxation, Frick v. Pennsylvania,[74] lays down the eminently sound rule that a state may reach by its inheritance tax laws the transfer of tangible personal property only when that transfer takes place within the boundaries of the state. Concretely, Pennsylvania, where Mr. Frick had his domicile, cannot levy an inheritance tax upon the transfer of his thirteen-million-dollar art collection located in New York City, nor upon the tangible personalty bequeathed to his wife and located in Massachusetts. This decision clarifies an important problem which has until now been in a

[71] 266 U. S. 497.

[72] 267 U. S. 540.

[73] Endicott Johnson Co. v. Encyclopedia Press, 266 U. S. 285, upheld as consistent with due process of law a New York statute providing that the wages, salary, or income of a judgment debtor may be garnisheed up to 10% by his creditor without notice to such debtor provided he has an income or wage of as much as $12 per week, and requiring that the employer must pay this amount from wages due the debtor or become liable himself to the judgment creditor.

[74] 268 U. S. 473.

state of confusion. The Supreme Court in Blackstone v. Miller[75] indicated that the state of domicile could tax the succession of intangible personal property located outside the state upon the theory that it enjoyed jurisdiction over the person of the testator, and the weight of authority in the state courts sustained a similar right in the state of domicile to tax the succession of tangible chattels located elsewhere. Since the state in which the chattels were located obviously could also tax their succession, the possibility of double taxation was always present. The decision in the present case overrules these state decisions and holds that state taxation of the succession of chattels cannot consistently with due process extend to those not located in the state.

In Bass, Ratcliff & Gretton v. State Tax Commission,[76] a foreign corporation is held not to be deprived of its property without due process of law by the collection of an annual franchise tax computed by allocating to the state a part of the corporation's net income proportionate to the amount of its property in the state, even when it derived no net income from its business in the state. The tax was held a tax on the privilege of doing business in the state and not a tax on income. The court could see no reason why the right to carry on business in the state of New York should go untaxed merely because during a particular year the corporation derived no profit from that business. Furthermore, the whole business was a unit and transactions begun in New York ended in profitable sales made elsewhere.[77]

Three cases involved due process in relation to special assessments. Missouri Pac. R. Co. v. Western Crawford Road Improvement District[78] held that the plaintiff's property could be assessed $2,396.62 to cover the cost of making a preliminary survey of a road improvement district, although as a result of the survey the proposed improvement was abandoned because the cost would exceed the benefit, and although the plaintiff's property would have been benefited by the improvement to the amount of only $1960. The court found no merit in the contention that the assessment could not exceed the anticipated benefits, as would be the case had the levy been made to cover the cost of the improvement itself. In Kansas City S. R. Co. v. Road Improvement District No. 3,[79]

[75] 188 U. S. 189.

[76] 266 U. S. 271.

[77] Numerous objections under the Fourteenth Amendment were raised against the California inheritance tax law but the act was upheld in Stebbins & Hurley v. Riley, 268 U. S. 137.

[78] 266 U. S. 187.

[79] 266 U. S. 379.

the railroad was assessed 16 per cent of the value of its roadbed and sidetracks to pay for the construction in the district of roads which, quite obviously, the railroad could not directly use. Farm land in the district was assessed at 54 per cent of its value. This assessment of the railroad property was held not arbitrary, inasmuch as indirect benefits would accrue to the railroad from the increased tonnage from the district served by the new roads. No arbitrary discrimination was involved, nor was there merit in the contention that the accruing benefits ought to be distributed to the total road mileage of the plaintiff rather than to the actual mileage in the road district. It was decided in Lee v. Osceola & Little Road Improvement District[80] that special assessments may not be levied on land now in private hands for benefits derived from road improvements completed while the land was the property of the United States government.

4. The Regulation of Public Utilities

Of the cases involving public utility regulation in its various phases, the most interesting is the case of Ohio Utilities Co. v. Public Utility Commission.[81] It is here held that in computing the reproduction value of the property of a public utility for rate-making purposes it amounts to a denial of due process of law to fail to make allowance for the cost of organization and other overhead charges such as incorporation fees, attorney's fees, costs of preparing and issuing certificates of stock, as well as interest on the investment during the period required for actual construction. All these charges would have to be borne in reproducing the plant and they must accordingly be added to the actual cost of physical construction.[82]

While it is true that a public utility cannot consistently with due process be required to continue to render service at a loss, the right to discontinue service on this ground is hedged about with certain procedural and substantive restrictions for the protection of the public. That such discontinuance may not be put into effect without seeking the consent of the state public utility commission when the statutes so require is held in Western & Atlantic R. v. Georgia Public Service

[80] 268 U. S. 643.

[81] 267 U. S. 359.

[82] Two cases involving questions of due process in the computation of rates are Banton v. Belt Line Ry. Corp. 268 U. S. 413, and Northern Pac. R. Co. v. Dept. of Pub. Works of Washington, 268 U. S. 39.

Commission.[83] In Fort Smith Light & Traction Co. v. Bourland[84] the plaintiff was compelled to continue service on a small portion of its system upon which it claimed to be incurring a loss and upon which new expenditures were required. The plant as a whole was operating at a profit and the court held that while, in the absence of a contract otherwise binding it, the company might surrender its entire franchise, it could not continue to enjoy that franchise and at the same time escape from its burdens.

5. Miscellaneous—Aliens—Eminent Domain

The California Alien Land Law provides for the escheat of land sought to be unlawfully transferred to persons (aliens ineligible to citizenship) ineligible to hold it, and declares a prima facie presumption that the conveyance is made with unlawful intent if the property is taken in the name of a person other than an ineligible alien when the consideration is actually paid or agreed to be paid by an alien. This presumption of guilty intention is held in Cockrill v. California[85] not to violate the guarantees of due process of law, equal protection of the law, or the treaty rights of Japanese subjects. The inference of intent from the facts set forth is not fanciful or arbitrary, the classification involved in creating the presumption only when the money is paid by an alien is in harmony with the general purposes of the statute which has already been held valid, and our treaties with Japan do not give subjects of that nation any protection against rules of evidence which do not violate the Fourteenth Amendment.

Due process of law is not denied in eminent domain proceedings which allow thirty days time in which to appear and file objections or claims for damages, which serve notice upon affected land owners only by publication in the local newspapers, and which do not allow any opportunity for a hearing upon the question of the necessity for the improvement, such question being legislative in character. This is held in North Laramie Land Co. v. Hoffman.[86]

II. STATE LEGISLATION AFFECTING INTERSTATE COMMERCE

1. State Police Regulations

When the Supreme Court in 1922[87] declared unconstitutional the North Dakota Grain Grading and Inspection Act of 1919 the majority

[83] 267 U. S. 493.
[84] 267 U. S. 330.
[85] 268 U. S. 258.
[86] 268 U. S. 276.
[87] Lemke v. Farmers Grain Co., 258 U. S. 50.

opinion, written by Justice Day, implied that some of the regulations affecting grading, inspecting, and weighing might be held valid if they could be separated from that portion of the statute permitting the state commission to fix the prices at which the grain must be bought at the elevators. Accordingly in 1922 a new grain grading act which omitted the price-fixing provisions was proposed and enacted by popular initiative. It provided, however, for an elaborate system of inspection, grading, and weighing, and among other things forbade the sale of grain which had not been "graded by a licensed inspector, either state or federal," required all operators of elevators to pay cash or else file bond to secure payment for grain purchased, and compelled every buyer of grain operating an elevator to secure a state license upon the payment of a fee. Reaffirming its previous holding that the purchase of grain within the state is interstate commerce when in the usual course of business that grain is to be shipped at once to points outside, the court holds the new act void as a burden upon interstate commerce.[88] It requires a state license to engage in such commerce, it forbids the sale of ungraded grain although such grain is a legitimate article of commerce, and by its various other provisions embarrasses and restricts interstate transactions. If the evils which the state law aims to alleviate are real and substantial the power to remedy them rests in Congress which has passed a national Grain Standards Act and may enact even more drastic regulations.

In two cases of interest and importance state regulations for the use of state highways were held to involve undue burdens upon interstate commerce. A Michigan statute of 1923 forbade any one from using the public highways of the state for the transportation of passengers or property for hire without obtaining a permit and paying a fee. Those operating under such permits were declared to be common carriers and were subjected to certain requirements in the matter of insurance or indemnity bonds to cover losses incurred by patrons. In Michigan Public Utilities Commission v. Duke[89] it is held that this act cannot constitutionally be enforced against the defendant who carries on the business of trucking automobile bodies from Detroit to Toledo under contract and who engages in no other business. To require him to use his facilities as a common carrier and to file an indemnity bond would amount to a serious interference with the interstate commerce in which he is exclusively engaged. Furthermore to impose by legislative

[88] Shafer v. Farmers Grain Co., 268 U. S. 189.

[89] 266 U. S. 570.

fiat the status of a common carrier upon one engaged in a purely private business amounts to the taking of private property for public use without just compensation and consequently a denial of due process of law.

In Buck v. Kuykendall[90] was involved the validity of an act of the state of Washington which forbade common carriers for hire to use the state highways by automobile between fixed termini or over regular routes without getting from the director of public works a certificate that the public convenience and necessity required such operation. The plaintiff wished to operate a bus line over the Pacific Highway from Seattle to Portland, Oregon, exclusively for interstate passengers and express. He complied with all the other requirements of the state law, but was refused a certificate of public convenience on the ground that the territory in which he wished to operate was adequately served by buses already. The Supreme Court held that the statute as enforced against Buck was unconstitutional. While the state may make reasonable police regulations for the use of highways, and may even affect interstate commerce incidentally thereby, and while it may also impose a reasonable license fee for the use of state highways,[91] it may not deny the right to engage in interstate commerce to any one nor directly obstruct such commerce, as in this instance. The court mentions the fact that the highway in question was built with the aid of federal funds, implying that that circumstance might increase the interest which the federal government has in maintaining the free and unrestricted use of the highway. In the case of Bush & Sons v. Maloy,[92] however, coming up on facts almost identical with those in the Buck case, the highway in question was built by state funds alone and the court reached the same decision.

2. State Taxes

In Real Silk Hosiery Mills v. Portland[93] a municipal ordinance which required persons going from place to place taking orders for future delivery of goods and receiving money in advance for them to secure a license, pay a fee, and file a bond, was held void as an interference with interstate commerce under the authority of the well-known case of Robbins v. Taxing District of Shelby County.[94]

[90] 267 U. S. 307.
[91] Hendrick v. Maryland, 235 U. S. 610.
[92] 267 U. S. 317.
[93] 268 U. S. 325.
[94] 120 U. S. 489.

In three cases state taxes imposed upon foreign corporations were found unconstitutional as burdens upon interstate commerce.[95] Space does not permit comment upon the complicated provisions of these statutes, but the cases emphasize anew that a state in dealing with a corporation which it may exclude entirely from its borders may not impose upon it as the price of admission burdens of taxation in themselves unconstitutional.

III. THE FIFTEENTH AMENDMENT

The procedural difficulties which confront the negro in attempting to assert his rights under the Fifteenth Amendment are demonstrated in the case of Love v. Griffith.[96] The city democratic committee in Houston, Texas, promulgated a rule that negroes would not be permitted to vote in the democratic municipal primary on February 9, 1921. The plaintiff, on February 3, sought an injunction to restrain the enforcement of the rule on the ground of its alleged violation of the Fifteenth Amendment. A demurrer was filed by the defendants which was sustained by the trial court two days before the holding of the primary and an appeal was taken to the state court of civil appeals. This court, handing down its decision months after the primary election had been held, decided that since the opportunity to grant injunctive relief had past it would not entertain the appeal on the mere question of costs. This ruling is here sustained by the Supreme Court, although the opinion of Justice Holmes states: "If the case stood here as it stood before a court of first instance, it would present a grave question of constitutional law and we would be astute to avoid hindrances in the way of taking it up." Apparently one cannot raise a constitutional question by a petition for injunction unless there is time for a final decision upon such question before the opportunity for the actual granting of relief has expired.

IV. THE OBLIGATION OF CONTRACTS

Where a consumer contracts for a supply of gas from a private concern, but under circumstances which show that public service is intended, the contract may become a subject of public regulation and the rates may be increased without impairing the obligation of the contract.[97]

[95] Ozark Pipe Line Co. v. Monier, 266 U. S. 555, Air-Way Electric Appliance Corp. v. Day, 266 U. S. 71, Alpha Portland Cement Co. v. Massachusetts, 268 U. S. 203.

[96] 266 U. S. 32.

[97] Fort Smith Spelter Co. v. Clear Creek Oil & Gas Co., 267 U. S. 231.

FOREIGN GOVERNMENTS AND POLITICS

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The Canadian Election of 1925. For six years Canada has suffered from a peculiar interaction of economic and political fatalities; and the indeterminate outcome of the general election of October 29, 1925, did little, if anything, toward straightening out the confused situation. First of all may be noted the way in which this situation developed; then some attempt may be made at an analysis of the setback which Premier King's government sustained at the polls.

On the one hand, when Canada's pre-war standard of prosperity failed to return, an acute state of sectional discontent was engendered, calling for the application of legislative prescriptions ranging in character from mild to heroic. On the other hand, the disinclination and apparent incapacity of Conservative and Liberal parties alike to put to the test any of the more drastic proposals popularly demanded by the disaffected farmers culminated by 1919 in the emergence of a militant Progressive party, centering, to be sure, in the prairie provinces, but having eastward reaches well into Ontario. This development hastened the temporary breakdown of the normal two-party system to which the war had, in Canada as elsewhere, dealt a damaging blow. The Meighen Conservative régime was overwhelmed in the elections of December, 1921, and the newly organized, but rather poorly disciplined and led Progressive party swept the central provinces and went to Ottawa with over sixty seats—fifteen more than were retained by the demoralized Conservatives.

While the Liberals won at that election, in all, 117 seats, including a complete bloc of sixty-five from Quebec, their "Solid South," the new government of Mr. MacKenzie King, not quite having even a bare majority in the House of Commons, was forced to depend upon the agrarian radicals for sufficient votes to remain in office. The relations of Liberals and Progressives, however, turned out to be, at best, but a half-hearted and spasmodic alliance. The somewhat discordant radical elements among the latter were able during the four sessions of the Fourteenth Parliament to extract merely "a few reformative con-

cessions by levying periodical 'blackmail' on the King government. But the inability of its titular chieftains, for the most part ex-Liberals, to discard a certain feeling for their old faction," tended to keep it from becoming "a vigorous, independent party of protest and constructive radicalism."[1] To add to the complicated situation in which the cabinet was placed, there was Quebec, from which it obtained the backbone of its support—Quebec, now a stronghold of protectionism almost as pronounced as that of Ontario and the maritime provinces. Despite the clamor of the agrarian bloc for "freer trade," all the government was willing to countenance was an almost insignificant reduction in tariff rates. Taxation continued practically at its war-time peak; the Fordney-McCumber tariff wall at the border acted so as to prolong Canadian industrial stagnation; unemployment in Canadian industrial centers became increasingly alarming; and by 1924 the exodus of sorely-pressed Canadians to the United States reached approximately 300,000, a figure which was but feebly offset by an influx of 148,000 from the outside. Government revenues were falling, and the annual deficit on the state-owned Canadian National Railways was a heavy load for the federal treasury to carry. Although crops were uniformly good in 1922, 1923, and 1924, the cost of living for urban workers as well as farmers continued to mount, and thousands of Canadians began to wonder why the government did not do something about it all.

The fourth session of Parliament came to an end in June, 1925, after another record on the part of the government as unimpressive as its earlier enactments. Troubled by his uncertainty of tenure of office, yet equally fearful of a dissolution and the consequent general election, Mr. King made repeated appeals to the disaffected Progressives for a closer alliance with the Liberals as the only hope of preventing the return of the Conservatives to power. But whatever may have been the chances of such a *mariage de convenance*, they were compromised by the emergence of the perennial Canadian railroad problem in an acute form. The West arose in indignation over the action of the Dominion railway commission in setting up a new schedule of freight rates replacing, among others, the special low rates that had been given permanence by the famous Crows' Nest Pass Agreement between Sir Wilfred Laurier and the Canadian Pacific as far back as 1897. In return for an annual subsidy, these rates were to be perpetual, although they were temporarily increased during the war for revenue purposes. The railway com-

[1] J. A. Stevenson, "Strains on Canadian Confederation," *New Republic*, Jan. 7, 1925.

mission, however, held that since it had been established subsequent to this special agreement, it had full discretionary powers to provide an entire new schedule of rates. When Parliament convened in February, 1925, the government found the western Progressives in an ugly state of mind. The former finally gave them a sop in the form of a compromise act which reëstablished the privileged rates on eastbound flour and grain only, but allowed the railway commission a free hand to make a new freight rate structure for the whole Dominion. While the eastern provinces lined up solidly behind the government's decision, the regions west of the Great Lakes were still unsatisfied, British Columbia having a special grievance in that the special low rates were not extended to westbound traffic going to Vancouver.

The government also failed to make any effective progress on the problem of curbing oceanic freight rates on the North Atlantic. Its curious project for granting to Sir William Petersen, a British shipowner, an annual subsidy of $1,350,000 in return for the service of ten modern freighters at specifically fixed lower rates was saved complete annihilation by the sudden death of Sir William on the same day that the report of a special parliamentary committee declined to accept the contract even in a much modified form. Notwithstanding definite pledges that an alternative vote bill, long demanded by the Progressives, would be passed during the session, dissensions within the Liberal party forced the government to withdraw the measure. Strong Conservative and Progressive opposition likewise obliged the cabinet to abandon a proposed long-time lease of hydro-electric power at the Carillon Rapids in the Ottawa River to a group of American capitalists. In fact, the only positive achievements remaining to the government's credit were (1) a new Grain Act, based largely upon the recommendations of a royal commission, and (2) commercial treaties with Finland, the Netherlands, and Australia, although the agreement with Australia had to meet a considerable attack from both Conservatives and Progressives before it was finally passed—on the one hand, because it would weaken the wall of protection for Canadian farmers, and on the other, because it raised the duties on dried fruit and would therefore increase the cost of living.

It was with such an uninspiring record as this that the King government made its appeal to the country for a new mandate which would give it an increased majority in the House and enable it to carry through an effective program. Moreover, between the prorogation of Parliament on June 27 and the announcement of its dissolution on September 5 the

Liberals suffered severe reverses in provincial elections held in Nova Scotia and in New Brunswick. In the former province, where the Liberals had held power unbrokenly for over forty years, they lost all but three seats out of forty-two, following a spirited campaign in which the effects of emigration, industrial depression, and the failure of the Dominion labor minister successfully to handle a miners' strike at Cape Breton combined to overwhelm the party in power. Later, in New Brunswick in August, the Conservatives captured thirty-six of the forty-eight seats in the provincial legislature. Only in Saskatchewan did the summer yield a Liberal victory anywhere in the provinces; there the Liberal government under Mr. Dunning had in June easily maintained its dominant position.[2] Observing the strong tide of opinion running against the tottering King régime, Mr. Meighen and the Conservatives began to think that they could enter the campaign on the single issue of the government's record; and not a few Liberals, frightened at the ominous events of the summer, urged that the appeal to the country be postponed until 1926. Apparently encouraged, however, by evidences of returning economic prosperity and by Liberal victories in a number of by-elections, Mr. King decided to stake his chances on an autumn election, and the polling day was fixed for October 29.

On account of the general confusion in the party situation, the campaign, on the whole, was devoid of vital, clear-cut issues. It was slow in gathering momentum; and at times it descended to the plane of personalities. As one would expect from the foregoing survey of the situation, the Liberals framed their appeal to the voters on the claim that without an effective majority they could not govern efficiently, and that they were the only party that had any reasonable hope of securing such a majority. They once again promised a tariff for fiscal purposes mainly and protection only incidentally; held up the bait of tax as well as debt reduction; proposed a more vigorous policy of attracting immigrants from the British Isles; favored a somewhat elaborate scheme of coöperation for the Canadian National and the Canadian Pacific Railways which might satisfy both the western public and the stockholders of the Canadian Pacific; and declared that if they were returned to power an inter-provincial conference would be convened to consider the long over-due question of senate reform. Their Conservative opponents concentrated affirmatively upon a "tariff to save Canada,"

[2] The Liberals had also suffered setbacks in Ontario and Prince Edward Island.

and negatively upon the "sins of the Liberals"; while the weakened Progressives pressed forward once more their "new national policy" of free trade, public ownership of railways with lower freight rates, the alternative vote, and an elective senate.

Efforts made early in the campaign to effect a real working agreement between Progressives and Liberals failed to make much headway. In spite of the fact that Mr. King specifically promised the former early in the campaign that the Hudson Bay railroad would be completed in return for their support at Ottawa, it proved virtually impossible to convince the disillusioned western radicals that he could be counted on to keep his promises.[3] That the premier himself realized he could not be sure of any solidarity in Progressive support was attested by his appointment, as minister without portfolio, of Mr. C. Vincent Massey, the head of the largest firm of agricultural implement manufacturers in Canada. This action was interpreted by the anti-Liberal press as evidence of a desire to conciliate the industrial interests of eastern Canada, especially in view of the pronounced protectionist trend among the French-Canadian Liberals of Quebec and Montreal.

The brunt of the Conservative attack upon the government was borne by Mr. Meighen, admittedly an effective campaigner and an able thinker, who made extensive speaking tours from the maritime provinces to the Pacific Coast. It was significant, however, that he avoided the province of Quebec, for there the French-speaking leaders were quick to revive the old war-time issue of "conscription," which they used with great effectiveness against the Conservative leader. The latter's onslaughts against the party in power were sharpened, however, as a result of the frank declaration of Mr. MacDonald, the minister of national defense, in a speech at Amherst, Nova Scotia, on September 16, that the powers of the civil service commission should be seriously diminished in scope. Such a view was partially sanctioned later by Mr. King himself, and the Liberal party was immediately denounced from the platform and in the press as conniving at the restoration of the "spoils system," of which Canadian politics had been purged during the war period. Furthermore, there were unmistakable signs that the government was utilizing large expenditures of public funds for public works to "bribe" certain doubtful constituencies to support Liberal candidates. These shady electoral tactics probably alienated thousands

[3] To gain Liberal votes in British Columbia, the government, on Sept. 3, authorized the Dominion railway commission to reduce rates on flour and grain going to Pacific ports for export. It was claimed by the opposition that this was *ultra vires*.

of voters disturbed by the undermining of political morality they saw taking place.

By what might almost be called common consent, discussion of imperial and international questions was avoided throughout the campaign. Apart from certain suspicions about Canada's obligations under the Locarno treaties, which were voiced by a number of newspapers, neither Liberals nor Conservatives hazarded any attention to the contentious issue of Canada's status in the British Commonwealth or in the world family of nations, "Mr. King fearing that declarations of nationalist faith, which might delight Quebec, would alienate Ontario and the West, and Mr. Meighen restraining any professions of imperialist zeal for exactly the reverse reason."[4] One picturesque development of the electoral contest was the return to active politics of Mr. Henri Bourassa, after a silence of nearly two decades. Famous as the founder of the Canadian Nationalist party, which was so instrumental in defeating Laurier and the reciprocity treaty in 1911, he once more contested his old Quebec constituency, this time, however, as "a simon-pure independent" ready to work with any or all parties for a "truly national policy."

The results of the polling on October 29 largely substantiated the predictions of nonpartisan observers. The government lost heavily in the maritime provinces and Ontario, retained all but five seats in Quebec, held its own in Manitoba, Alberta, and British Columbia, and recaptured from the Progressives a majority of the constituencies in Saskatchewan. Instead of coming back with a larger majority at Ottawa, it found its strength in the House reduced from 118 to 101 seats. Aside from Prince Edward Island, where each of the two old parties returned two members, the Liberals carried only two provinces—Quebec and Saskatchewan. And, most damaging of all, Premier King and seven of his cabinet colleagues went down to defeat at the hands of their own constituents, as had Premier Meighen and seven members of the Conservative cabinet in 1921.[5]

Probably the most surprising phase of the returns was the virtual eclipse of the agrarian Progressives. Not only did they fail to elect more

[4] *Manchester Guardian Weekly*, October 7, 1925.

[5] Mr. King lost his constituency of North York, Ontario, by a small majority. The other defeated ministers included Mr. H. P. Graham, minister of railways; Mr. James Murdock, minister of labor; Mr. Gordon, minister of immigration; Mr. T. A. Low, minister of trade and commerce; Mr. Foster, secretary of state; and Messrs. Massey and Marler, ministers without portfolio.

than a single candidate east of Manitoba, but their strength in the provinces west of the Great Lakes was reduced to a paltry handful of twenty-three seats. In Alberta alone were they able to win a majority of the constituencies. Handicapped by a lack of funds as well as of press support, and divided as to ultimate objectives, another attempt to create a permanent party based mainly upon the foundations of agrarian discontent seemed doomed to failure.[6]

Yet the election was by no means a decisive Conservative victory. While Mr. Meighen's party more than doubled its parliamentary representation, it lacked five of winning a bare majority in the new House, which, as a result of the Representation Act of 1924, contains ten more members than did the old, making a total of 245.[7] Although relegated to a small group little more than a third as large as that in the old parliament, the remnants of the farmers' movement still held the balance of power with which both the government and the Conservatives would have to reckon. The country did not speak with sufficient emphasis to permit an immediate return to its normal two-party system. A Liberal popular plurality of 334,000 in 1921 had become a Conservative plurality of approximately 200,000 in 1925; but coalition of some sort still appeared inevitable, short of another election, either in the formation of a new Meighen government or in the retention of Mr. King's.[8] The Conservatives, however, fell 108,000 votes short of winning a majority of the total popular vote cast in the Dominion.

The situation created by such an electoral stalemate was without precedent in the parliamentary history of the Dominion. Immediately, politicians and press grew vociferous in their advice as to how it ought to be resolved. Conceivably, three courses of action were open to the King government. First, it might ask for another dissolution of Parliament and new elections, on the ground that the country's verdict was indeterminate. To this extreme procedure, however, insuperable ob-

[6] Incidentally, the country parties of New Zealand and Australia underwent analogous reverses in the recent general elections in Australasia.

[7] This act diminished the quota of Nova Scotia by 2 seats and increased that of the four western provinces as follows: Manitoba, 2; Saskatchewan, 5; Alberta, 4; and British Columbia, 1.

[8] The statistics on the popular vote quoted here are unofficial, being based upon preliminary reports issued by the Chief Electoral Officer. The following table shows the standing of the parties, by provinces, in the new House of Commons, account being taken of the Liberal victory in the by-election of Dec. 7 in the Bagot constituency of Quebec:

jections were raised on all sides, particularly in that it would entail unwarranted expense and probably give no more decisive result than before. Secondly, Mr. King might offer his resignation and advise the governor-general to call upon Mr. Meighen, as the leader of the largest party group in the new House, to form a new government. This course, naturally, was demanded with virtual unanimity by Conservative leaders and newspapers, on the ground that the country had refused to give the Liberal government a working majority and had impliedly repudiated its claim to continue in office, all the more in that the premier and half his cabinet had failed of election. The third plan, which Mr. King announced on November 4 he would follow, was to convene Parliament at the earliest practicable date and let it decide the fate of the government. Whether, in deciding upon such a course, the Liberal chief acted against the advice of the English-speaking members of his cabinet, one cannot be certain; a number of Conservative journals, at any rate, claimed to be thus informed.[9] Mr. King himself defended his decision by pointing out that the attitude of the House of Commons could not be known until it met and cast a vote, that upon the "main issue" of the campaign, *i.e.*, the tariff, the Liberals and the Progressives had won a majority of the seats, and that there was no reasonable hope that Mr. Meighen could carry the House on that question. In the interval, promised the prime minister, the government "would refrain from making appointments beyond such as are essential for the proper carrying on of the public business."[10]

Province	*Liberals*	*Conservatives*	*Progressives*	*Labor*	*Indep.*	*Total*
Prince Edward Is.	2	2				4
New Brunswick	1	10				11
Nova Scotia	3	11				14
Quebec	60	4			1	65
Ontario	12	69	1			82
Manitoba	1	7	7	2		17
Saskatchewan	15		6			21
Alberta	4	3	9			16
British Columbia	3	10	1			14
Yukon		1				1
TOTAL	101	117	24	2	1	245

This table is based upon the returns of the *Canadian Press, Ltd.*, an impartial news-gathering agency.

[9] Cf., for instance, the *Montreal Gazette* for Nov. 5, 1925.

[10] *Montreal Gazette*, Nov. 5, 1925. This promise was in line with the precedent of 1896, when the governor-general refused to sign appointments proposed by Sir

This ministerial declaration of intentions at once became the object of vehement denunciation by Conservatives throughout Canada. On the day following its publication, Mr. Meighen replied: "The Premier's statement . . . . is merely an announcement of his determination to 'hang on' in defiance of a heavily adverse verdict from the people of Canada."[11] There was no case in the history of Canada or for a third of a century in Great Britain, he contended, where the leader of a minority group had waited for the convening of Parliament following a general election. Here the Conservative leader apparently overlooked the course taken by Stanley Baldwin after the British election of November, 1923, although it is true that Mr. Baldwin's party was still the largest numerical group in the British House, while the Canadian Liberals after October 29 did not even have a plurality of the membership of the Canadian House. Mr. Meighen's argument, however, was further buttressed by two other charges: first, that Mr. King had himself denied during the campaign that the tariff question was the "main issue," and second, that at least twenty-seven Progressive, Labor, and Independent candidates had denounced the government's record in campaign appeals. It was intimated, in fact, that the prime minister's real purpose was to dangle the lure of another parliamentary indemnity (of $4,000) before the "hungry" Progressives in the hope that they would support the government for at least fifty days after the opening of Parliament, the minimum required by law for the payment of a sessional indemnity, and then, when defeated in the House, to dissolve it and go to the country again, with the electoral machinery still under Liberal control.[12] How, poignantly queried the Conservatives, was the government to carry on with but half its personnel, unless it waited to call Parliament until after by-elections were held, which would mean an unjustifiable delay? How much longer was Canada to have "government by order-in-council"?

While Mr. King made no open reply to the specific counts in this indictment of his decision, he reiterated during November that the government would make no appointments and proceed with no important contracts. The resignations of all the defeated ministers except Mr. G. P. Graham, minister of railways and canals, were accepted, and

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Charles Tupper's government after its defeat at the polls. It will be noted that Mr. King significantly avoided any mention of cabinet vacancies in his statement to the press.

[11] *Ibid.*, Nov. 6, 1925.

[12] *Ibid.*, Dec. 15, 1925. Cf. also the *Toronto Mail and Empire*, Nov. 2, 1925.

the places were temporarily filled by ministers who either had been reëlected or were in the Senate.[13] At first (November 6) it was announced that Parliament would meet on December 10 if all legal requirements as to returning writs of election and making recounts could be met by that time. Later, on December 1, the premier stated that since fifteen writs were still outstanding, the convening of Parliament would have to be deferred until January 7, 1926.

Whether Mr. King was justified in clinging to office in apparent disregard of recent parliamentary precedent in English-speaking countries, depends largely upon one's point of view. Probably the position taken editorially by the *London Times* fairly sums up the constitutional side of the case: "As long as Mr. King or his appointed successor feels in all sincerity that he commands a majority in the House, he is certainly within his constitutional rights in deciding to carry on the government up to the point at which his programme is defeated in the House of Commons."[14] But was he sincere in believing he could count upon sufficient support from the divided Progressives to sustain his government? For answer to this query one must wait for subsequent events. At the date of writing (December 19), there were unconfirmed reports that the Alberta Progressives had submitted a list of demands to the prime minister as the price of their support; but the course of action to be followed by Mr. Yorke, the titular Progressive leader from Manitoba, had not been disclosed.

In any event, the Fifteenth Dominion Parliament will probably not be of long duration. When it convenes, there may be the novel spectacle of a premier without a seat, directing proceedings from the distinguished visitors' gallery! Whether the King government holds out a few weeks, or is at once ended by some unexpected vote, will depend upon the few Progressives that have survived what may have been a death blow to the hopes of the farmers' crusade. Regardless of its party complexion, any government in Canada will find itself faced with perplexing problems which have for three years strained the unity of the Dominion. Canada needs more immigrants; her railway muddle calls for a statesmanlike solution; her industries must somehow be enabled to meet American

[13] Mr. King tried to explain why he had not sought a seat for himself by pointing out that it might delay the opening of Parliament; but the delay eventually proved to be necessary anyway. The chances are that he would have had difficulty in November in carrying any Ontario constituency that might have been offered him by Liberal members.

[14] Quoted in the *Montreal Gazette*, Nov. 25, 1925.

competition; and the oppressing burden of taxation ought to be reduced. How, moreover, can the active loyalty of both the West and the maritime provinces be reëstablished? These are matters that would harass the ablest and most forward-looking government. Perhaps another election in a few months may give the Conservatives a clear mandate; but it seems at least doubtful whether the historic Canadian party alignment of Liberals and Conservatives, vitiated as it now is by artificial lines and heterogeneous intra-party dissensions, can permanently endure with any more promise of genuine statesmanship than is to be found in the present meaningless relationship of Republican and Democratic labels in the United States.

WALTER R. SHARP

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An Irish Free State Senate Election. In the fall of 1925 a unique electoral experiment was carried out in the Irish Free State. Nineteen senators were elected according to a system which presents a peculiar combination of electoral features. The aim of the framers of the Free State constitution was to provide a second chamber composed of men of experience and recognized ability.[1] To this end they devised the following system[2]: (1) the entire nation was to serve as a single electoral constituency; (2) the nomination of the candidates was left to Parliament; (3) the franchise was limited to citizens over thirty years of age; (4) the Hare system (single transferable vote) of proportional representation was to be used for the marking and counting of the ballots; (5) the senators were to be elected for twelve-year terms; and (6) one-fourth of the senators were to be elected at each triennial election.

It is hard to see how the provision for the partial renewal of the Senate at each election could be expected to increase the interest of the voters. In addition, it must be remembered that the Senate is a body of restricted powers.[3]

After the nominations had been made last fall, it became apparent that the nominating system left much to be desired. The position of a senator is a stable one, and consequently there was an unseemly scramble for places on the panel.[4] Moreover, the electoral arrangements

[1] Article 30.

[2] Electoral Bill, Saorstat Eireann, 1923, No. 1.

[3] Articles 38-39.

[4] J. H. Humphreys in the *Manchester Guardian*, September 28, 1925 (letter to the editor).

were such that intelligent voting was made difficult. The names of seventy-six candidates were presented to the voters on a ballot paper which measured 22 inches by 16.[5] To arrange a dozen candidates in preferential order is a task requiring considerable discrimination.[6] Although the voters did not have to express preferences among the entire seventy-six candidates, their task was not an easy one.

Considering the nature of some of the electoral campaigns that have been held in Ireland, the senatorial campaign was extremely quiet.[7] The chief reason for this was the fact that the nation was the constituency and it was impossible for the candidates to employ the usual electioneering methods. Resort had to be made to newspaper advertising, a type of publicity which is too expensive to employ upon a large scale. The government published a *Who's Who* of the candidates, which was reproduced in the newspapers.[8] But apart from this there was little to guide the voter.

The election itself was also a quiet one. Only 305,000 out of 1,300,000 eligible electors, or less than 25 per cent, took part. The causes of the great number of abstentions were many. The period of polling had been reduced from twelve hours to ten, and as a consequence the poll was light in some of the working class districts.[9] Another factor which had some influence was the bad weather on election day. The fact that the voters received no poll cards or official notices as to the location of the polling places also contributed to the great number of abstentions. Chief among the causes of non-voting at this election, however, was the boycott of the election by the Republicans.[10] In the western counties, where the Republicans were strongest, the poll was uniformly low. In addition to the factors already mentioned, the confusion of the electoral system must also be given its fair weight. One voter, upon viewing the ballot, tore it up in disgust and said that experienced clerks were the only ones who could vote in such an election.[11]

One of the objections commonly raised against the Hare system of proportional representation is the complexity of the count. The Irish election put this argument to severe test. Although only one quarter of

[5] The *Irish Times*, September 17, 1925.
[6] It is really the construction of a psychological rating.
[7] *Irish Times*, September 16, 1925.
[8] *Ibid.*, September 12, 1925.
[9] *Irish Independent*, September 21, 1925.
[10] The *Republic*, September 11, 1925. An Phoblacht, "Boycott the Election."
[11] *Irish Independent*, September 18, 1925.

the electorate took part in the election, there were over 300,000 ballots to be counted and distributed. The task occupied twenty-four days.[12] Ten persons were employed at the beginning, but the counting staff was later increased to forty. No candidate received the quota (15,286 votes) on the first count; so the election had to be decided by the elimination of fifty-seven of the seventy-six candidates. There were no setbacks during the count, and the universal feeling was that this feature of the system was a success. The results of the different transfers were published in the newspapers day by day, and a sustained interest in the election was manifested for over a month.[13]

The final outcome was not greeted with universal acclaim. An editorial writer in the *Irish Times* considered that the result furnished no cause for national pride.[14] The candidates were not, in his opinion, persons who had done honor to the nation or had special qualifications for public service, and the electorate had in the main voted for solid mediocrity—when it had taken the trouble to vote at all. Only nine candidates reached the quota, and there were 37,704 ballots which were non-transferable. A close examination of the transfers shows that the electors were moved by such considerations as the following: political issues, economic interests, local record, personal service, and religion. The candidate who stood highest on the first count received practically all of his votes from the electors of the county in which he had been a local official. The local support obtained by the other candidates who stood high upon the first count was also considerable.[15] An analysis of the transfers shows that those who voted for Labour candidates for their first choices were consistent in their second, third, and other choices. All of the retiring Labour senators were reëlected. The other groups which received recognition were the licensed liquor dealers, the ex-soldiers, the farmers, the doctors, and the business men.[16]

The results of the experiment might be summarized as follows. The partial renewal of a second chamber of limited powers will not attract the interest of a large proportion of the electorate when the ballot is a confusing one and the size of the constituency makes electioneering difficult.

[12] The election was held on September 17, 1925, and the count was finished on October 10, following. The result was officially declared on December 6.

[13] See the files of the *Irish Independent* and the *Irish Times*. Also consult special article in the *Irish Times*, October 12, 1925.

[14] *Ibid.*, October 10, 1925.

[15] *Irish Times*, September 24, 1925, "Effect of Local Vote."

[16] *Ibid.*, October 10, 1925.

On the other hand, the counting of the ballots under the Hare system of proportional representation applied on a national scale attracts wide attention, and the results are sure to reflect the opinions (or lack of them) manifested by the electors in marking their ballots.[17]

HAROLD F. GOSNELL

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The New Albanian Constitution. The constitution adopted by the constituent assembly at Tirana on March 3, 1925, is the third organic law of the country to appear in the last twelve years. The first was the organic statute issued at Valona on April 10, 1914, by the International Commission of Control in Albania. By the terms of this instrument the new state was constituted a hereditary monarchy under the protection of Great Britain, France, Russia, Germany, Austria-Hungary, and Italy. The next act organizing the state was the provisional constitution adopted by Albanian leaders at Lushnia in January, 1920, and amended in 1922. This instrument set up a régime of the extreme parliamentary type, both the regency council, which provisionally headed the state, and the cabinet, which constituted the working executive, being made dependent on the confidence of a one-chamber parliament.

The constitution of Tirana differs greatly from both instruments. It differs from the statute of Valona by dropping all reference to protection and by adopting a republican form of government. It differs from the provisional constitution of Lushnia in that it shifts completely the allocation of power among the organs of the state. Before this new allocation is described, a few words may be devoted to certain changes of more detail.

The legislative organ of the state now consists of two houses instead of one. A Chamber of Deputies represents population, while a small Senate, one-third of which, including its president, are appointed by the president of the republic, represents, by virtue of the qualifications required for membership, experience and achievement in various walks of life.

While it is provided, in Article 53, that "any bill approved by the Chamber of Deputies must be presented to the Senate for consideration and approval before it is sent for approval to the president of the

[17] The election of the Dail is carried out according to the Hare system, but the country is divided into districts for this purpose. For a description of the election of the Dail in 1923 see J. H. Humphreys, "The Irish Free State Election, 1923," *Contemporary Review*, October, 1923.

republic," these provisions are immediately modified by the terms of Article 54, as follows: "Bills passed by the Chamber of Deputies must be submitted to the examination of the Senate within a month if the Chambers are still in session; in the contrary case such bills shall be considered approved and shall be submitted to the president of the republic. When for whatever reason a part or all of the senators do not participate in a joint session within one month from the date set therefor, the Chamber of Deputies shall meet with the senators present, or if there are no senators present, the Chamber shall meet by itself, and shall proceed with the work which called for the joint session." It appears, therefore, that under certain circumstances the Chamber of Deputies may legislate alone.

The advantage which this gives to the popular house is, however, offset by the following provisions of Article 56: "In case of disagreement between the Chamber of Deputies and the Senate, if the former persists in its position the president of the republic has the right, with the approval of the Senate, to dissolve the Chamber of Deputies and decree new elections. Should the new Chamber of Deputies insist on the position of the previous Chamber, the decision of the new Chamber shall be definitive."

A further detail of the constitutional arrangements governing the legislature is the provision against absentee membership. Article 22 reads: "A deputy absent without leave from the Chamber for two consecutive months automatically ceases to be a member thereof." Article 64 contains almost identical provisions regarding senators. These two articles would appear to create a safeguard against the absence of legislators for the purpose of embarrassing the government, such as has sometimes taken place in other countries.

The central feature, however, of the new constitution, and the one in which it diverges most clearly from its predecessor, is the new position assigned to the head of the state. The two houses administer supreme power once, when they meet as a National Assembly and elect a president of the republic. Thereafter, during his term of seven years, he would appear, under the terms of the constitution, to be not merely the ceremonial head of the state, nor merely the representative of the principle of national continuity, but the working executive, endowed, as far as constitutional arrangements are concerned, with a degree of independence which centralizes power and responsibility to him.

It is true that Article 44 states that "the Chamber of Deputies controls the government"; and that Article 83 provides that the cabinet,

which is appointed and presided over by the president, must "appear before the Chamber of Deputies to read its program and request a vote of confidence not later than five days from date of appointment"; and that "if it fails to do so it shall be considered as not having received a vote of confidence." But the effect of these provisions appears to be vitally modified by the provisions of Article 77, which reads: "If, at two successive sittings, the Chamber of Deputies refuses a vote of confidence to the appointed cabinet of ministers, the president may dissolve the Chamber. If the new Chamber also refuses a vote of confidence, the cabinet shall fall. Until the settlement of the situation the cabinet that was refused a vote of confidence by the Chamber . . . . continues in power."

In other words, the Chamber cannot indicate its want of confidence in the cabinet appointed by the president of the republic without drafting its own political death warrant. Further, the Chamber under such circumstances cannot even be certain that its self-sacrifice will achieve the object in view. The constitution is silent as to the procedure to be followed in case the Chamber disapproves of one or more members of the cabinet without disapproving of the cabinet as a whole.

While the constitution makes it difficult for the legislature to interpose in the work of the president, no difficulty is placed in the way of his interposition in theirs. Article 76 reads: "The president of the republic orders the promulgation and execution of bills passed by the two chambers. He has the right of veto." No way is provided in the constitution for overcoming the president's veto. Further, with the exception of the right of approval of the cabinet, the exercise of which is conditioned as noticed above, the constitution provides for no legislative control of the president's appointments, whether in the army, the judiciary, or the administration.

Is it possible, despite the great power vested in the presidency, to control it indirectly through the power of making appropriations? Apparently not. While Article 39 provides that "each year the executive shall submit to the Chamber of Deputies for examination and approval the proposed general budget of revenues and expenditures of the state, together with a statement of the ways and means by which the expenditures are to be met," the next article provides that "in case, for any reason, the new definitive budget has not taken legal form before the beginning of the fiscal year, the executive applies the budget of the previous year until the new budget is approved." Apparently, therefore, while the Chamber has power to embarrass the executive in the event

that the latter desires to effect changes in the revenues and expenditures of the state, it does not have power to go further.

Finally, could the legislature secure more power by amending the constitution? Article 141 answers this question. It states that "on the proposal of the president of the republic or of the ministers, the two legislative chambers have power, at special separate sittings, to decide, by a majority of two thirds, on a modification of the constitution . . . ." No other way is provided for initiating a change in the organic law of the state. Power can be reallocated in the state only on the initiative of the executive.

The foregoing features of the constitution seem to confirm the provision of Article 8, which reads: "Executive power is vested exclusively in the president of the republic, who exercises it through ministers," and that of Article 75, which reads: "He (the president) directs the policy of the state."

There are, of course, certain limits. Article 75 provides that "the president of the republic does not have power to declare war or conclude peace without the consent of the Senate and Chamber of Deputies, except in case of a war of defense." As the word "defense," however, is one which is particularly subject to interpretation, it appears that even in the vital questions of peace and war a certain discretion is vested in the president.

In sum, the new constitution is significant for two reasons: (1) it is in line with the reaction which has already appeared in several European countries against the tendency shown at the end of the World War to entrust almost all effective power to the legislative department of government. While, however, in certain countries this reaction has taken extra-constitutional forms, in Albania it is incorporated in the constitution itself. (2) It illustrates the way in which one-man rule way be restored without doing violence to the democratic principle. Hereditary monarchy, in the sense of the effective rule of one person on the basis of birth, is practically extinct in Europe. Its restoration is difficult to imagine, in view of the extent to which the assumptions on which it rested have now been displaced in public opinion by those of democracy. Strong presidential government is not, however, inconsistent with democracy; and through that medium the governments of the democratized states of central Europe may in future take on rather more of the appearance which they bore in times before the last great era of constitution-making.

EMERSON B. CHRISTIE

Washington, D. C.

REPORT OF THE THIRD NATIONAL CONFERENCE ON THE SCIENCE OF POLITICS

HELD AT NEW YORK CITY SEPTEMBER 7-11, 1925

INTRODUCTION

President Glenn Frank, of the University of Wisconsin, seemed to voice the common consciousness of the profession when he recently declared that what the country needs is a "league to enforce objectivity" among the social sciences. For the hopeful factor in the situation is found in the eagerness of the profession to attain this end. From every social discipline there come signs of an awakening scientific consciousness. The work of the Social Science Research Council, the establishment of its research fellowships, the creation of research endowments, the increasing strain of objectivity that characterizes our more recent literature—all bear eloquent testimony to an intelligent and eager interest in the advancement of scientific method.

The work of the National Conference on the Science of Politics is simply another manifestation of professional concern for scientific stewardship—another milestone along the pathway of objective progress. For the third time in three years, approximately one hundred men and women, representing half the states of the Union, have come together at their own expense and devoted a week of earnest labor to the problem of scientific method. The determination, enthusiasm, and confidence evidenced by these members is a striking revelation of the strength of the present movement toward perfecting a scientific technique of politics. For it must be remembered that such is the express object of the undertaking. As stated in the official announcement, "the purpose of the Conference is to unite those interested in political research in a common attack upon the problems of technique and method. These questions lie at the very threshold of scientific progress. They require the best there is of inventive genius, broad scholarship, constructive imagination, practical experience, and scientific spirit. These diverse qualities can be best brought into effective coöperation through small round-table conferences, concentrating upon the problems of method presented by a specific project of research, and attended by

a group of members equipped to make some actual contribution by virtue of their preliminary study, investigation, and experience."

In order to secure that concentration and continuity of effort essential to the most effective work, each member was required to attach himself to one of the round tables and was not permitted to attend others. To prevent any group from becoming unwieldy in size, the executive committee reserved the right to assign members to particular round tables. In some of the groups there was little change in personnel from year to year, with the result that methods suggested at one Conference were frequently tested out during the year and the results reported back at the Conference the following year. This made possible the most effective work of the Conference.

Just what are the concrete results of the movement cannot be definitely stated. The interest evidenced by the members would seem to demonstrate that it is meeting a genuine need. Questionnaires sent out to the members by the writer, after each meeting, have shown that the ideas developed at the Conference have been widely used and with excellent effect. There is also abundant evidence that a new impetus has been given to the "drive toward objectivity" that, in the minds of many, constitutes the chief hope for the future of the science.

The reports of the different groups are published herewith, in the hope that this permanent record of the results reached may be useful in refreshing the recollection of those who participated, and that it may be suggestive and stimulating to others who are grappling with the problem of method. It has been the ideal of the executive committee to make the Conference the most effective instrumentality possible by which the students of politics might do their full share in the task of perfecting the technique of social science.

The experience of the meeting further deepened the impression formed at the Chicago Conference in 1924, that scientific progress in politics can be greatly facilitated by more intimate knowledge of the contributions of psychology and statistics to scientific method. If politics is to become scientific it must be through the devising of methods by which the phenomena of political behavior may be subjected to precise measurement and accurate quantitative determination and analysis. Both statistics and psychology have made notable contributions to this problem of method, some of which are immediately adaptable to our needs and others of which will afford illuminating analogies for political research. In addition to all this, psychology seems to bear even a more intimate, organic relationship to the science of politics.

Both disciplines are concerned primarily with the phenomena of human behavior. Psychology is concerned with the field of human behavior in its entirety and in all its ramifications and implications. Politics is concerned with only so much of human behavior as affects political situations. Viewed in this light, political science becomes a form of applied psychology, and as has been recently suggested, it is quite conceivable that psychology may play the same rôle in relation to politics that physics plays to engineering. At least this is a working hypothesis of sufficient promise to justify a conscious effort to establish more intimate contacts between the disciplines involved.

To this end, the chairman is trying to secure financial support to finance a three-year program for the Conference. With financial resources, it should be possible for the executive committee to place at the disposal of every group the services of a psychologist and a statistician to present their points of view and to make what contributions these disciplines have to offer to the problem of method. Occasionally it would doubtless be desirable to have representatives of still other disciplines, depending upon the nature of the problem. There are many phases of political research in which it is conceivable that contributions of great value might be made by the neurologist, the anthropologist, the biologist, the psychiatrist, the sociologist, the economist, or the historian. Scientific method cannot recognize departmental boundaries, especially when they are so artificially conceived as not always even to be practicable. The writer is convinced that such financial assistance as will enable the committee to secure effective coöperation from the other disciplines will tremendously increase the value of the Conference.

ARNOLD BENNETT HALL

Chairman of Executive Committee

ROUND TABLE ON POLITICS AND PSYCHOLOGY

ASPECTS OF PUBLIC OPINION

At one of the early sessions Dr. W. V. Bingham presented the psychological problems involved in accident prevention, such as the study of relative effectiveness of different types of road signal, the influence of certain types of advertising near the road signals, the variation in traffic rules among different cities and states as a cause of confusion and accidents, and the problem of examining taxi drivers, truck drivers, and

drivers generally for certification of proficiency. Several such studies are now being conducted with some promise of very useful results. Another problem is that of examining more carefully by psychiatric methods those drivers who are involved in a second accident in the course of a year, on the assumption that such drivers may have characteristics which make them unsafe in emergencies. One of the main purposes of the studies of automobile accidents is to bring out the objective facts as distinguished from those inquiries which have for their objective the placing of blame. Still another type of problem is the study of the relative effectiveness of different types of punishment for traffic offenders, such as heavy or light fines, newspaper ridicule, confiscation of car either temporarily or permanently, revocation of license, and so on.

Mr. Elliott presented at several sessions the different aspects of his proposal to use interest groups as a source of information regarding public opinion. According to this plan, the numerical strength of the vote in each group would be considered as one important factor, the total size of the group as a second factor. By combining such facts for a number of large groups a fair summary of public opinion on a question might be obtained, and also some indication of the character of the groups that favor or reject any given proposal.

Mr. Leigh reported on his study of the reasons assigned by different groups for or against child labor legislation. He is trying to determine some of the factors that are responsible for changes in public opinion.

Mr. Hartman is making several studies, both in group form and with individuals, of the attitudes of students at Syracuse University on questions of public interest, in order to ascertain how these attitudes are changed by courses of instruction in the School of Citizenship.

Professor Merriam presented to the Round Table some of the discussions of Walter Lippmann in a forthcoming volume on public opinion, in which the author indicates the possibility of introducing objective studies of the subject.

L. L. THURSTONE

ROUND TABLE ON PUBLIC LAW

DETERMINATION OF METHODS FOR ASCERTAINING THE FACTORS THAT INFLUENCE JUDICIAL DECISIONS IN CASES INVOLVING DUE PROCESS OF LAW.

1. *Suggested Importance of the Undertaking.* The purpose of this group was to evolve a method by which there could be secured a be-

havior pattern of the judicial process, as exemplified in a certain type of constitutional cases. It was felt that such an achievement would be a distinct contribution to both law and politics. There has been much discussion of the political and social value of the doctrine of judicial review. Most of the controversy turns upon the nature of the judicial process involved. How far is it judicial or political? Are constitutional decisions determined by the private views of the judges or by pre-existing and intelligible legal doctrines, or by both? It seemed obvious to the group that any scientific effort to evaluate the institution of judicial review must be based upon a more accurate answer to these questions than is now available.

The value of such a study to the practicing lawyer was felt to be equally obvious. A great lawyer must be able to predict accurately the court decisions in his client's case. It is apparent that such predictability is dependent upon the nature of the forces that control judicial discretion. Any study that will picture these forces more faithfully is a distinct aid in prophesying judicial action.

Finally, it was agreed that such a study would provide an objective basis for the constructive criticism of the work of the individual judge. It seemed clear that a statistical study of the votes of a particular judge in a given class of cases, correlated with the evidence of consistency in the use of legal concepts involved in such cases, would afford a basis for evaluating the legal logic and reasoning of the particular judge. It is generally admitted that in close cases involving such vague phrases as due process of law, the decision of which frequently turns upon certain general economic and social facts upon which adequate evidence may be entirely lacking, there is always a relatively wide margin of honest error. It is hoped that by a scientific study of the different factors involved in the judicial process, it may be possible for the bench and bar to reduce this margin. To reduce the vague thing known as judicial process in such cases to some of its constituent elements ought certainly to increase the possibility of securing more scientific and intelligible standards and less rhetoric and verbiage in judicial decisions.

2. *Proposed Methods of Determining the Rôle of the Economic, Political, and Social Theories and Prejudices of the Judges in the Decision of Due Process of Law Cases.* The discussion of this aspect of the problem centered, in general, on a group of statistical studies made by Mr. Glenn H. Bell, Mr. Wilbur Katz, and Miss Anna M. Campbell, graduate students of the director and, in particular, upon a very excellent

statistical survey made by Professor Isidor Loeb, of Washington University. The general method employed by all these persons was approved in principle. It involved three steps: (1) the formulation of categories of decisions so as to correspond with the probable lines of cleavage of the economic, political, or social theories or prejudices of the different judges; (2) the making of a statistical summary of the number of cases in each category, the number that were decided by a divided court, and how each judge voted in every case coming within each category; (3) the determination of how consistently the individual judge's conclusion in each class of cases correlated with any single economic, social, or political theory or prejudice involved in the given category.

For example, Professor Loeb's study covered certain of the U. S. Supreme Court decisions from 1914 to 1924. He suggested four categories and made a statistical summary of all decisions coming within these given groups that involved due process of law. One of them was labor. He found that there were twenty-eight cases involving due process of law, where the results were clearly favorable or unfavorable to labor. Fifteen of these were by a unanimous court and thirteen by a divided court. Of the unanimous decisions, thirteen were regarded as favorable to labor, two unfavorable to labor. In the thirteen divided decisions, three justices voted every time they participated on the side favored by labor, and one voted every time for the side opposed by labor.

While there was immediate agreement that these results were significant, and that more elaborate studies along this same line should be immediately encouraged, there was a great deal of discussion and conflict of opinion as to what conclusions, if any, might be drawn from these figures. The following statement was finally formulated, in which all agreed: "In divided decisions in certain groups of cases under the due process clause of the constitution, there are constant factors with at least some judges which are explicable neither according to any legal principle which has hitherto been ascertained, or according to any recognized method of finding facts."

In regard to some minor matters of inference there was more definite agreement. It was thought to be of great significance that fifteen out of the twenty-eight cases were decided by a unanimous court in a class of cases as highly controversial as labor cases involving due process of law, and where the essential question of economic and social facts are so frequently without any scientific, objective evidence. When it is

remembered that there are members of the court who hold diametrically opposed economic and social views on the question of labor legislation, and, presumably, whose points of view, sympathies, and prejudices are in direct conflict, it seems rather clear that at least in such unanimous decisions, legal principles do prevail over the personal theories, prejudices, or points of view of the individual judges. In the other three categories covered by Professor Loeb, *viz.*, regulation of public utilities, power of taxation, and governmental intrusion into private enterprise, it appeared that the percentage of unanimous opinions was much greater than in the labor cases. This was regarded as a significant commentary upon the unsettled status of the law in that class of labor cases, and as raising the question of whether the law was as unscientific as it was unsettled. It seemed clear that the relative margin of honest error would be largely determined by the relatively unsettled status of the law. This seemed to call for some method of statistical study of the judicial doctrines involved, which received considerable attention. Suggestions were formulated which appear later in this report.

3. *The Formulation and Use of Categories in the Statistical Study of Judicial Decisions.* The question of what categories should be utilized and how they should be treated in the foregoing type of statistical study received much attention. The following suggestions were agreed upon: (1) The categories should be formulated so as to be analogous to the hypothetical theories that are being studied, *e.g.*, where one is studying the effect of economic theory, the category of labor decisions was selected because it was supposed that if economic theory or prejudice played an important rôle in judicial decision, it would be likely to appear in that type of cases. (2) The categories should be as definite and concrete as possible. Doubtful ones should be eliminated. Approval of a proposed set of categories by a group of students representing different points of view was strongly recommended. (3) The allocation of decisions to the different categories presents a difficult problem. It was agreed that all doubtful cases should be rejected, or first approved by other scholars of different points of view. Opportunities for cross tabulations and significant correlations with other possible categories should be constantly kept in mind. (4) The interpretation of results should be made with great care. Inferences should be strictly limited to the data collected. The constant temptation is to make the inference broader than the data. Cross tabulations and correlation with the data collected under other categories should be used wherever possible as a check

against false deductions. (5) The group agreed that the following categories would be useful in a further statistical study to determine the rôle of the social and economic theory and prejudice of judges in the judicial process: (a) validity of public utility regulations; (b) constitutionality of labor legislation; (c) extension of doctrine of public calling; (d) constitutional conflicts between state and federal power; (e) paternalism in government; (f) validity of taxing laws. (6) The statistical data under each category should always show the number of divided and unanimous opinions, whether the vote of each judge was a majority or dissenting vote, and the grouping of the judges in each vote. For example, five to four decisions are much more significant if always by the same five and four than if the personnel of the majority and minority are constantly changing.

4. *Analysis of the Rôle of Legal Concepts and Doctrines in the Decision of Due Process of Law Cases.* This part of the discussion, like that which preceded, was largely restricted to due process cases, for purposes of practical convenience. The immediate purpose of this statistical study is to provide a basis for cross tabulation with the results obtained in the type of study conducted by Professor Loeb. It is to be noted here that consistency in the use of legal doctrine is the thing to be determined, and such consistency compared with consistency in voting in accord with possible economic and social theories and prejudices that may be involved.

The following method was suggested: Make a careful summary of the due process decisions of a particular judge, with regard to each of the legal concepts thought to be significant. Note whether each concept or doctrine has been consistently employed, always used where applicable, and always with substantially the same content. Are these concepts used merely as available arguments when a judge finds them useful to attain an end deemed to be desirable on other than legal grounds, or are they guiding forces that tend to determine the judicial product? A study of the judicial attitude toward the presumption of constitutional validity, for example, might indicate that frequently it is not a controlling principle, but merely a weapon in the judicial arsenal to be used or forgotten as the circumstances might require.

If the study of a judge's attitude toward the presumption of constitutional validity were to show a capricious and inconsistent position, and a study of his votes in cases involving conflict in interests between labor and capital always found him on the side of labor in the cases of divided opinions, and the inconsistency of his position toward the

presumption of constitutional validity was obviously manifest in his opinions on labor, there would be a basis for reaching the conclusion that the judicial process of that judge, in that class of cases, was governed more by class bias, economic viewpoint, or social theory than by the legal concept involved. By this same method, this judge's attitude toward all the significant legal doctrines that might be involved in the labor decisions could be summarized and statistically treated, and the results correlated with his votes on the side of labor. This process seemed to afford a basis for determining the relative strength of the different factors involved in the judicial process of this particular judge in this type of cases. The same method could obviously be applied to other types of cases. When completed, such a statistical treatment, it was believed, might give a much more accurate picture than we now have of the judicial process of this particular judge in due process of law cases.

The following categories of legal doctrine were thought to be useful in this study: (1) presumption of constitutional validity; (2) legitimacy of legislative object; (3) appropriateness of the legislative means to end sought; (4) judicial attitude toward questions of fact which are material to the constitutional decision.

5. *Suggested Statistical Study of Judicial Decisions in Anti-Trust Legislation.* Professor Rinehart J. Swenson, of New York University, presented a report of his survey of the decisions in the above-mentioned field, made for the purpose of determining the value of the statistical method in this type of cases. Dr. Swenson and the group felt that these cases did not lend themselves so well to statistical study as other types of judicial decisions. Nevertheless such a study was recommended for the purpose of determining if any light might be thrown upon the question as to what extent considerations of public policy and the personal theories of the judges tended to control judicial decisions in this type of cases. The following categories of legal and economic doctrines were suggested as useful: (a) definition of monopoly; (b) methods of forming monopolies; (c) "rule of reason"; (d) "tying contracts"; (e) open competition plan; (f) regulation of boards of trade.

6. *A Proposed Plan for a Statistical Study of all the Formal Matters Connected with Judicial Decisions Involving Constitutional Questions.* One of the sessions of the round table was devoted to a consideration of a suggested research project presented by Dr. Rodney L. Mott, of the University of Chicago. The proposal included a statistical analysis of the formal elements centering around judicial decisions involving constitutional questions. In order that the discussion could proceed

along concrete lines, a specimen schedule, or score sheet, was presented to the round table for criticism.

The project fell into three portions, the first of which dealt with facts ascertainable from a study of the judicial decisions themselves. It was pointed out that many characteristics of these decisions are subject to a more exact quantitative measurement than has been heretofore attempted. For example, the length of the opinion, the number of appeals and retrials in a given class of cases, the proportion of the report devoted to a rehearsal of the facts, and the number of prior decisions which the court cited in support of its position are all capable of statistical treatment. While some of these quantitative measurements might not prove especially significant in themselves, they might serve to give a more accurate picture of the judicial process if considered in relation to the particular type of constitutional question involved.

The second portion of the proposed study consisted of an investigation of the conditions surrounding each case from records external to the opinion as published in the official report. Such matters as the character of the parties to the suit, the amount of consideration given to the statute by the legislature, the length and character of the briefs of the attorneys, may each be measured with a reasonable amount of accuracy. For the most part, the sources of this information are obtainable in congressional proceedings, published briefs, citations, etc. This data, again, should not be considered by itself alone, but in relation to the internal character of the opinions and the types of constitutional question involved. It seems likely that the most significant results of such a study would come only after a series of cross tabulations and correlations between various variables had been worked out.

To be complete, it was thought, such a study should include an attempt to secure data on the characteristics of the judges themselves. A considerable amount of information on the personal life, habits, training, etc., of the members of the bench is susceptible of measurement and quantitative determination. For example, it is very possible that a close correlation might be discovered between the type of education of the judge and his opinions in respect to such matters as due process of law. In other types of decisions, a relation might exist between the age of the judge and the result reached. Other social relationships, such as marital status, nationality of parents, religion, political affiliations before appointment, etc., might also give fruitful results.

It was quite evident that the results of such a study can hardly be predicted in advance. It is possible that no evidence of material sig-

nificance would be discovered. Again, the results might give only negative evidence which, although perhaps as significant as positive results, are certainly less satisfying to the investigator. Nevertheless, the round table, after a considerable discussion, seemed to feel that the method was at least worth a preliminary trial. With this in view, the schedules presented were criticised and it was recommended that a study of this nature be conducted over a period of a single decade for one court. This would give an opportunity for testing the applicability of the method to the problem of securing a behavior pattern of judicial actions, and would also afford a better basis for judging the adequacy of the schedule. It is to be regretted that limits of space do not permit the inclusion of the ingenious specimen schedule and score sheet that was submitted by Dr. Mott.

7. *Future of the Round Table.* It was unanimously decided to continue the round table for another year for the further consideration of the same general topics. Every member agreed to attend next year and to assume responsibility for testing out some of the methods herein suggested. ARNOLD BENNETT HALL

ROUND TABLE ON THE PERSONNEL PROBLEM

SPECIFIC INVESTIGATIONS AND THE PROPOSAL OF THE CIVIL SERVICE AUDIT

The round table divided its time fairly equally between (1) specific problems and (2) the consideration of methods of appraising a public employment situation.

1. *Specific Suggestions for Investigation.* Specific suggestions for investigation were proposed in the thought that research agencies, including the faculties and graduate students of the universities and colleges, might make fruitful contributions to the field of personnel administration, and at the same time gain insight into administrative practices, if they should bend their efforts to gathering data along the lines suggested in the following list of fact studies. It was indicated by the civil service administrators among the round table members that civil service agencies would be glad to coöperate in making accessible sources of information, and would further be glad to utilize the results and conclusions of the investigations along the lines suggested below.

It was also agreed upon that the Bureau of Public Personnel Administration be requested to act as a central agency for the promotion of

studies, with the coöperation of a committee of three of the Conference. Professor Leonard D. White was made chairman of this committee, and Professor A. S. Faught and Mr. A. E. Garey were associated with him. It was proposed, finally, that the Assembly of Civil Service Commissioners be appraised of the content of the report of the round table and urged to coöperate in every possible way.

The following fact studies were proposed:

(a) Methods of selection, rates of pay, turnover, method of separation, etc., of confidential clerks and secretaries and other employees appointed without examination under civil service rules;
(b) Class of positions which are more exempt from examination under civil service rules by discretionary acts of the commission;
(c) Sub-division of classes of positions or the consolidation of classes as a means of permitting particular names on an eligible list to be more easily reached, or as a means of securing greater competition, or for other purposes;
(d) Percentage of provisional appointees who secure permanent appointments; nature of the tests given provisional appointees as compared with the tests conducted for permanent appointment; and methods (if any) used to secure advantages in competitive tests for provisional appointees;
(e) Persons eligible for promotion tests who do, and those who do not, compete in such tests, with a statement of conclusions;
(f) Actual rates of pay, conditions of service, and qualifications of applicants and incumbents of certain classes of positions to be specified by a committee of the Conference and a statement of conclusions;
(g) Operation and effects of veterans' preference laws;
(h) Formulation of standardized tests;
(i) The various elements entering into the personal administration of law enforcement, including the police bureau, the detective bureau, court employees, probation officers, and employees of penal and corrective institutions, in coöperation with agencies investigating crime and law enforcement.

2. *Appraisal of Public Employment Situation.* On account of the interest of the majority of the members of the round table, more time and attention were devoted to the consideration of specific problems than to the more comprehensive question as to the ways and means of appraising the public employment situation with reference to standards that might, through the course of experience, become matters of

general agreement. The progress that has been made in the public health field in the direction of conventional standards of appraisal was discussed as illustrating the type of investigation proposed.

The problem raised by the round table attached to the Conference held in Chicago concerning the difficulty of making comparisons between the civil service commissions operating under different laws was met by the proposal that the commissions themselves be not appraised as such, but rather that the *whole employment situation* be appraised. If certain shortcomings exist, either because of a faulty law or because of the inactivity of the civil service commission, it will be established that the faulty conditions exist. This obviously is the initial and basic step in any appraisal. The analysis of causes may, in so far as the appraisal itself is concerned, be disregarded.

Some attention was given to a consideration of those features in an appraisal about whose significance there would be general agreement. On account of lack of time, not all important features were covered, and no conclusion was reached as to their relative importance.

The discussion of the features that might enter into the composition of a schedule centered about the list of topics proposed at the first conference held in Madison and contained in the report of this conference in Volume XVIII, No. 1, of the REVIEW.

W. E. MOSHER

ROUND TABLE ON POLITICAL PARTIES, POLITICAL LABORATORIES; RESEARCH PROJECTS

1. *Scope of the Work Undertaken.* The round table was fortunate in having among its members a number of persons who have engaged actively in practical politics. These were: Herr Erkelenz, a member of the German Reichstag and president of the Democratic party; Herbert C. Pell, chairman of the New York state democratic committee; and Mrs. Livermore of the Republican national committee. The suggestions, as well as the points of view, of these practical political workers were most valuable.

The discussions of the round table centered upon the answers to three questions proposed at the opening session: (1) What is the material for research in party politics? (2) What are some important subjects for inquiry? (3) What are the methods best suited for the study of these projects? The round table on political parties was new this year. Hence, the answer to (3) was deferred until adequate

attention had been given to (1) and (2). Except for the fact that methods were considered in connection with each project as it was suggested, the round table deferred consideration of method until its next meeting.

2. *The Desirability of Political Laboratories.* In connection with the materials for political research, the suggestion was made by Professor Merriam, who was present at some of the sessions of the round table, that because of the fact that the study of politics is perhaps in the pre-scientific age, much attention must be given to the actual discovery and collection of materials which may be useful for subsequent scientific study. This, according to Professor Merriam, is part of the process through which all developing sciences have passed. Consequently, every effort should be made by those interested in the science of politics to gather the raw material concerning political parties and their activities.

It appeared to the round table that colleges should establish, wherever possible, "laboratories" for the study of politics. Such a laboratory should include: (1) a storehouse of material for use in special studies and investigations; (2) facilities for collecting material needed for studies under way; and (3) a place where students working in courses in government can find adequately assembled the materials they need to work with, and where they can work under favorable conditions.

The distinctive thing about such a device is that it is primarily a "politics" laboratory. It is not intended that it shall become the traditional governmental research library, of which there are now several in the United States. Political material such as election statistics, political platforms, campaign publications, and election laws are to be collected, rather than merely government reports and documents. "Politics" should come first and "administration" second.

3. *Materials for Political Research that Should be Collected.* A wide variety of things should be collected of which the following are suggestive:

(1) campaign literature, handbooks, party platforms of leading parties and candidates in national, state and local politics;
(2) ballots of all states and of many cities;
(3) election statistics from secretaries of state throughout the states;
(4) election laws from all states;
(5) bulletins, etc., of various organizations representing special interests and points of view, business, farming, labor, and civic;
(6) Congressional records and digests, committee hearings and reports;

(7) certain magazines and newspapers, to be taken and clipped or filed;
(8) films recording important political events, phonographic records of political speeches, even radio equipment for gathering current political discussion;
(9) unpublished letters of political leaders (if correspondence of the great is not available, then of the near-great in politics—every scrap of material that will help students of politics and history to understand current politics);
(10) the masses of correspondence that legislators receive from constituents, which now is in the main destroyed;
(11) biographical material concerning party leaders collected and written by students. In this last connection it will appear evident that studies of leaders in politics such as Professor Merriam has so wisely encouraged is in reality the massing of the material upon which scientific progress is based.

4. *Suggested Projects for Research.* Possible projects for research were suggested by all of the members of the round table. The following are typical and, in the opinion of the chairman, the most valuable of those mentioned:

(a) Political activities of the negro population in northern cities. It was suggested that a number of northern cities be selected and that two or three precincts predominantly negro be studied with a view to determining the variations in the election results in these precincts, and that some effort be made to examine the methods followed by political parties in seeking the votes of these citizens. The suggestion was made that it might be found that the negro in the North shows a tendency to follow the political inclinations of the city itself, rather than the traditional Republican affiliation.
(b) Non-voting. Extensions and continuations of the study undertaken by Merriam and Gosnell in Chicago ought to be made in various cities.
(c) The effect of absent-voting laws upon non-voting.
(d) The charitable activities of party organizations. It was suggested that by means of coöperation with district professional charity workers and with party leaders, an attempt be made to evaluate the much discussed and probably much over-rated charitable activities of political parties. It was suggested that case studies might reveal rather questionable results from such activities conducted by party workers.
(e) The party affiliations of naturalized citizens.

(f) The influence of various election methods. Mr. Herbert Pell described a possible study of the real effects of political propaganda in a selected number of election districts. Such a study would involve the use in each of the districts of a different type of political activity, and by means of a comparison of results with other elections some idea of the value of these methods could be secured.

(g) The influence of the foreign-born voter in national elections in the Northwest.

(h) The work of the central offices of British parties.

(i) Party leadership. A study of party leadership, not only by an examination of the characteristics of successful politicians but from investigation of persons who are defeated for aldermanic offices. Thus a study might be made of "non-leaders."

(j) The results of proportional representation. There have now been a sufficient number of elections under this system in cities in the United States and in other election areas in other countries to make possible a very valuable determination of the various claims made in its behalf.

(k) A study of the political technique of the national committee. It was suggested that the work of the Republican organization of 1920 was really so effective and so perfect an example of political technique that a study should be made of what was done.

It was the opinion of the members of the round table that it would be very valuable to bring together substantially the same group a year hence, to continue a consideration of these and other topics and to compare reports of specific pieces of research attempted during the year.

RAYMOND MOLEY

ROUND TABLE ON NOMINATING METHODS

THE DEVELOPMENT OF A TECHNIQUE FOR TESTING THE USEFULNESS OF A NOMINATING METHOD

1. *Nature of the Problem.* Beginning where it left off at the close of the Second Conference on the Science of Politics, the round table on nominating methods expected to complete its examination of the various "tests" suggested at the previous Conferences. It may be recalled that the so-called "tests" were the proposed methods of discovering for a given nominating system its effects along several different lines. It was

proposed to devise a technique for applying these tests objectively, or at any rate so as to eliminate the subjective as far as possible. With this in view, the various tests had been assigned to the several members of the round table for careful examination and report. At the Third Conference these reports were presented and considered.

In general, it is obvious that the problem which the round table had set itself was to discover if there existed a series of relationships between the existence of a given nominating system and the occurrence of a number of political phenomena. If such relationships existed, was there a method of identifying them and of stating them with confidence? Particularly it was desired to devise methods of stating relationships quantitatively, or in such a way as to restrict opinion, prejudice, and other personal reactions as narrowly as possible. For example, it was assumed that probably the direct primary had an effect on the party system different from that produced by the convention system of nomination. Was it possible to establish the fact of such relationship, and by what method could the character of the effect or effects produced respectively by the two systems be indicated objectively, so as to be capable of valid comparison? Suppose it were believed that it is better that political parties should be capable of being held responsible for the conduct of government. Is there any way of measuring "party responsibility" so as to tell when more or less of it is obtained; or is there any way, indeed, of identifying it so that its presence or absence can be determined? And is there any way of conclusively relating this presence or absence, or greater or less degree, of party responsibility to the presence or absence of one or another nominating method?

2. *Difficulty of Determining Quantitative Tests.* Early in its work the round table perceived that some of its tests could be dealt with on a quantitative basis. Notably was this true of the cost of nominating methods. Here the thing to be discovered was itself a quantity, *i. e.*, a sum of money, for the measurement and comparison of which methods have long existed. With some other tests, *e. g.*, "continuity in office," quantitative data can be secured, but methods of treating it statistically have to be devised. The chief problem in the use of these tests was getting the information. In the case of other tests "reducible" data probably do not exist, *e. g.*, the effect on corruption. About the most that can be discovered is the presence or absence of a given phenomenon. Here the problem is chiefly that of identifying the nominating system as the determining factor. Of course this problem is present in the application of all the tests, but it offers greater diffi-

culties with some than with others. Obviously each one of the criteria is a variable result caused by an unknown number of factors, many of which are themselves variable. The nominating method is a factor which is either present or absent; if all the other factors were either simply present or absent it might be possible to determine the effect due to the nominating method. But where you have also the same kind of factors present in all situations, but differing quantitatively in some way, the problem of measuring the effect due to a change in methods of nomination takes on almost limitless complexity.

In the application of all the tests a difficult question in comparing two methods arises in determining whether it is better to study the same jurisdiction under different systems or two different jurisdictions with different systems. In the former case, difficulties arise from the different conditions due to difference in periods of time; in the latter, the embarrassment is to find two jurisdictions approximately the same in every respect but the one to be studied.

3. *Costs of Nominations Under Different Methods.* Nevertheless the round table has had the courage to face all of these problems and to attack many of them. Its most notable success was in the realm of the more easily workable data. The outline of a method of studying costs of nomination worked out by Dr. C. A. Berdahl (which had been mimeographed and sent to all members of the Second Conference) was considered and criticised and finally accepted. It is regarded as a useful guide for anyone interested in studying this particular phase of nominations. A number of suggestions received through correspondence were incorporated in the outline, and it is now regarded as finished, as far as the round table is concerned. It remains to apply the methods suggested to specific situations.

4. *Continuity in Office Under Different Systems of Nomination.* The relation between nominating methods and "continuity in office" was discussed by Dr. Waldo Schumacher, who had compared the convention and direct primary in Wisconsin. The method was to discover the percentage of reëlections in the total number of elections to certain selected state and county offices. The study in Wisconsin showed a greater percentage of reëlections under the direct primary. It was suggested that party management, the impetus of presidential campaigns, and changes in campaign methods and in voting habits of citizens might also be contributing factors in this result. If the influence of the nominating system is to be isolated, then each election in the whole series under study must be examined separately to see whether

other factors may not account for the result attained. Such a thing as "voting habits' might be studied over a period of years where there is no change in election methods, and its influence thus established. This particular test is still in Dr. Schumacher's hands for refinement and definitive statement.

5. *Majority Rule and Popular Interest as Affected by Different Nominating Methods.* Miss Louise Overacker presented a report on the relation of nominating methods to majority rule. Some of the questions raised were: What is meant by majority rule in this case? If it is majority control of party nomination, what constitutes a "party"? What territorial basis should be used? Almost any answer raised new difficulties. All of these Miss Overacker is to consider and attempt to solve for the round table during the coming year.

A report on the effect of nominating methods on public interest was presented by Miss Alma Sickler. Here the chief problem was in discovering evidence of more or less public interest. Is the size of the vote evidence? Or the number of public meetings? Or the amount of newspaper space? And in any case how can the influence of other factors be determined? Miss Sickler's memorandum is in the hands of the members of the round table for study and criticism.

6. *Miscellaneous Matters.* One session of the round table was held jointly with the round table on political parties to discuss some problems of campaign methods presented by Mr. H. C. Pell, Jr., chairman of the Democratic state central committee of New York. Another session was devoted to a criticism of a proposal by Dr. B. F. Wooding for an entire reform of nomination and election methods. The value of these two sessions to the members was that the former revealed the unscientific character of the methods of the practical politician, and that the latter revealed the inapplicability of the technique being worked out by the round table in passing judgment on nominating devices which have never been actually used.

Some time was devoted to hearing from Mr. J. T. Salter an account of his study of non-partisan nominations and elections in Pennsylvania cities of the third class. Mr. Salter's experience brought out some of the difficulties in the use of the questionnaire, the personal interview, and newspaper files as sources of information.

The round table adjourned without having finished its work and without having determined whether to recommend its own continuation. An informal decision was made to have the chairman devote his seminar at Stanford to a more intensive study of the tests and formulate a

complete report by the beginning of the year. The members of the round table, with this report before them, could then determine whether another session was called for. It was agreed also that the tests should be actually tried to see if they are workable.

VICTOR J. WEST

ROUND TABLE ON LEGISLATION

DELEGATION OF LEGISLATIVE DISCRETION TO ADMINISTRATIVE AGENCIES

The preliminary discussions of the round table early proved the necessity of reaching some agreement on the subdivisions of the major topic, and on the establishment of categories into which powers of administrative agencies could be classified, by means of which it would be possible to segregate the various elements of the problem for intelligent comparison and analysis.

1. *Proposed Major Subdivision of the Field.* The first tentative agreement reached was a division of the functions of government into (a) control and (b) service. The distinction was based on the hypothesis that government's relation to the individual, when it is providing primarily a service and regulating the machinery for such service, is different from that which it sustains when exercising control over the individual in his sphere of rights. For much of this analysis and the suggestion of terms and methods of classification the round table was indebted to Professor Ernst Freund, who presented the analysis of the problem which had been made preparatory to the work of the committee of the Commonwealth Fund, of which he is chairman.

2. *Delegation of Control Over Individual Rights.* Administrative power was divided into two categories—determinative and non-determinative —the latter consisting of (a) administrative ruling power, applicable to individual cases, and (b) general rule-making or regulation power. In order to limit the field still further, with a view to the consideration of "control," the latter was practically eliminated temporarily from discussion. Enforcement powers were also eliminated, excluding inspection which requires no ruling, and prosecuting power where recourse is to the court and not to an administrative agency. The administrative ruling power was further subdivided into (a) enabling power, such as the issuance of licenses and permits, and (b) directing power, *i. e.*, the issuance of administrative orders.

3. *Classification of Subjects for Unification of Investigation.* It was agreed that research, to be comparative, must be undertaken on some common basis, and the following items were suggested as covering the field: (a) public utilities, (b) merchant marine, (c) banking, (d) insurance, (e) trade, (f) labor, (g) professions, (h) education, religion, and political action, (i) health, (j) safety, (k) morals, (l) personal status, (m) use of land, and (n) revenue.

4. *Test Suggested as to Nature of Power Delegated.* The test suggested to determine whether a delegation was one of rule-making or of ruling power was that the former could be exercised directly by the legislature, the question of delegation to a board being one of expediency, while ruling power, applicable to individual cases, could not be exercised directly by the legislature.

5. *Grades or Degrees of Discretion.* An attempt was made to distinguish between varying degrees or grades of discretion as follows: (a) reserved discretion, which presumes regularity, but also a necessity for an occasional veto; (b) relaxing discretion, when a dispensing power is exercised, relaxing the rigor of the law, as in extension of time; and (c) selective discretion, involving preference or choice on the part of the officer, as in the case of appointments. Categories of discretion were suggested as involving: (a) expediency, (b) fitness, (c) fairness, and (d) conformity. In attempting to distinguish between discretion and purely ministerial power, it was suggested that there were two tests as to when discretion was involved: (a) the presentation of an issue and (b) the grade of difficulty involved. It was felt that further research applying the distinctions made above would be necessary before definite agreement could be reached as to their utility. In the discussion, of course, detailed illustrations were given which cannot be incorporated in a brief report.

6. *Does Discretion Tend to Become Non-Discretion?* The round table sought frequently to arrive at some conclusion concerning present tendencies under the various categories and classifications agreed upon, but was confronted at nearly every turn with insufficient data or material not reduced to comparable basis. Without prejudicing the formal report of his committee, to be published later, Professor Freund expressed the conviction that, in the field of control of individual rights, it is possible to trace steady progress towards non-discretion. It was the recommendation of the round table that numerous minor monographs based upon the distinctions outlined above, and following the general procedure of the Commonwealth Fund committee, would prove

fruitful in testing not only such conclusions as that report may reach, but also the value of the distinctions made, and of the classifications and categories utilized. Such monographs would be primarily tests of the validity of method. More definite suggestions as to research projects were considered under the second main subdivision.

7. *Delegation Involving Governmental Services.* It was generally agreed that the approach to the problem was through a study of the statutory material, analyzing statutory phrases and intent as well as the mere statement of delegation of powers, and inquiring into the actual practice of departments, under each of the fourteen heads suggested above in each state or jurisdiction. It was further agreed that a valuable source of material might be found in the reports and proceedings of the national organizations of administrative officials, such as the meeting of the Civil Service Commissioners, the Public Utilities Association, etc.

The round table was confronted with an insufficiency of information, and the immediate problem appeared to be the study of public administration to determine existing facts and tendencies before further suggestions could be made concerning legislative principles or policies. In fact, the round table this year was concerned, on the whole, more with the administrative law and public administration aspects of the subject than with legislation.

8. *Suggested Investigations.* To prepare adequate data for later compilation and analysis the following approaches were suggested:
(a) numerous monographs on the history of particular boards and commissions; (b) comparative studies of similar boards in various jurisdictions; (c) comparisons of states or other jurisdictions in which power has been delegated to an administrative agency on a particular subject, with other jurisdictions in which the legislature has retained such power itself, to ascertain if possible the relative effectiveness of the two systems; (d) the listing of agencies having national organizations and the assignment of each to individuals for study and analysis.

9. *Arbitrariness.* The round table spent considerable time discussing the objections to delegation of legislative power. The chief one seemed to be that such delegation frequently substitutes arbitrariness or uncontrollable qualities for legal principles and rules. Various tests of arbitrariness were suggested, without agreement: (a) the degree of removal of the administrative agency from popular control, as it affects public opinion as to the arbitrariness of its rulings; (b) the composition of such agencies; an analysis of their training and fitness; the extent to which discretion is delegated to an individual, ex-officio board, special

commission, etc.; (c) the extent to which use is made of expert services by such agencies, and comparison with such use of expert advice by legislatures; (d) the question of judicial review and mandamus; in this case it was suggested that the extent to which courts have affirmed or overruled the decisions of administrative agencies would be a definite test; (e) the nature of the procedure and safeguards provided by law or instituted in practice by the administrative agencies themselves.

10. *Standardization of Administrative Practice and Decisions.* It was agreed that one of the major purposes of any comparative investigation should be to determine to what extent, in what fields, and by what methods attempt has been made to standardize the exercise of the power delegated. It was suggested that such investigations might disclose the need for something similar to the British Rules Publication Act of 1893, in order to standardize the procedure and practice of all agencies under similar general conditions. Information was not available as to whether any such standardization was now apparent. Research should seek to establish whether there are any commonly practiced, uniform rules of procedure, and what procedure is susceptible of standardization. Moreover, the problem of standardization involves the far more important problem of standardization of the principles applied by different agencies in arriving at decisions. It was thought that the method of conducting such investigations was sufficiently clear without statement of definite projects.

11. *Effect of Consolidation Upon Delegation.* As a special problem in the field, worthy of particular study, it was suggested that investigation be made to determine whether administrative consolidation in state governments has tended to increase the delegation of discretion. Mr. Crawford, reporting on this subject, disclosed sufficient differences of opinion to indicate that the topic offers opportunities. It was suggested that studies be made of such states as Illinois, Nebraska, and Washington, to determine the degree of discretion delegated under the three administrative codes. This would involve a study and comparison of legislation and delegation of discretion before and after the adoption of the codes. It would necessitate studies of other states which have not adopted such codes, to determine whether or not it is the consolidation that is responsible for the result.

The round table was particularly indebted to Professor Freund for the exhaustive analysis presented by him as a basis for much of the discussion of the session, and to Miss Helen M. Rocca for her continued faithful services as secretary. FREDERIC H. GUILD

ROUND TABLE ON PUBLIC FINANCE

STATE SUPERVISION OF LOCAL FINANCE

1. *Scope of the Work Undertaken.* At the Chicago Conference of 1924, the round table on public finance began the consideration of a definite topic, namely, "State Supervision of Local Finance." A working outline was prepared dealing with such matters as the purposes, objects, and methods of supervision, and tentative standards for judging the methods of supervision, in regard to budget procedure and financial information. It was agreed that the round table of the following year should continue the same topic and should set for itself two main objectives: (1) to test the various standards proposed by means of studies of existing systems of supervision in particular states, to be made by members of the round table for report to the 1925 meeting; (2) to develop additional standards of procedure for those phases of the subject which the 1924 group had not been able to consider in detail.

The sessions of this round table at the New York conference carried out part of this program, considering several reports of studies by members of the group. But, partly owing to changes of personnel and partly to lack of time, progress in developing further the methods and standards of procedure was limited.

2. *Tax Limitation in Ohio.* Dr. Raymond C. Atkinson, of Columbia University, presented the results of his study of the policy of tax limitation in Ohio and suggested methods of appraising the results of such a policy. The following outline indicates the nature of these methods as applied to cities. With adaptations, the same methods may be employed in studying other objects and methods of state supervision.

Methods of Testing the Effects of Tax Limitation.

(1) Effect upon municipal revenue.

- a. Compare periods preceding and following the introduction of tax limitation as to the degree to which property is assessed at less than the full legal rate.
- b. Compare the same periods as to growth of per capita revenue for current operating purposes from (1) the general property tax; (2) all sources other than utility earnings.
- c. What new forms of revenue were introduced after the tax limit was established? What was the relative fiscal importance of these new forms?
- d. Compare per capita operating revenues of cities affected by

tax limitation with same for cities of comparable size in other parts of the country, as to (1) amount; (2) rate of increase.

(2) Effect upon municipal expenditure.
   a. Effect on per capita expenditure for all operating purposes other than utilities.
      (1) Compare growth of per capita expenditures in periods preceding and following the introduction of tax limitation.
      (2) Compare representative cities affected by tax limitation and cities of similar size in other parts of the country.
   b. Compare cities affected by tax limitation with cities of similar size in other parts of the country as to effect on per capita expenditures for specific classes of services such as police, health, etc. (The aim is to discover the kinds of services which are most affected by a policy of stringent tax limitation.)

(3) Effect upon municipal indebtedness.
   a. Operating deficits. Determine the annual excess or shortage of operating revenues over operating expenditures for period before and after the introduction of tax limitation.
   b. Floating debt. Determine volume of floating debt at end of each fiscal year for several years preceding and following the introduction of tax limitation.
   c. Bonding policy.
      (1) Issuance of deficiency bonds. Analyze indebtedness to determine the amount of deficiency bonds annually issued and the ratio of deficiency bonds to total bonded debt.
      (2) Issuance of bonds for current operating purposes or for short-lived equipment. Similar analysis.
      (3) Term for which bonds are issued. Is there any tendency to issue long term bonds in order to reduce sinking fund levies?
   d. Sinking funds. If analyses of the condition of sinking funds have been made in any cities, they will probably be useful in showing whether debt service has been neglected to bolster up operating funds.

Dr. Atkinson also indicated that it would be desirable to determine as far as possible the effect of tax limitation upon the quality of municipal services and the standards of financial administration, even though such things were much less susceptible of precise measurement. Surveys of particular cities made by bureaus of municipal research and by other

qualified agencies or individuals may afford some evidence as to changes in the quality of municipal services due to the imposition of tax limits.

3. *Tax Limitation in Illinois.* The subject of tax limitation was further continued by the director, Professor Fairlie of the University of Illinois, who discussed briefly the history and results of tax limitations in Illinois. It was noted that while in Ohio the tax limits had been effective for a time, though later modified, in Illinois, over a longer period, the tax limits had been frequently changed and were much less effective.

It was the opinion of the round table that, in general, statutory tax limitations were not justified by actual experience and that other forms of central financial control were preferable. In connection with this topic, the question of assessments was brought up and considered. Mr. Cornick, of the National Institute of Public Administration, outlined the present system of assessments in New York and the efforts of the New York state tax commission to deal with the problem of state supervision thereof.

4. *State Control of Local Finance in Indiana.* A brief report on this subject, prepared by Professor F. G. Bates of Indiana University, was read, in his absence, by the director. This report dealt chiefly with two main forms of control: (1) the approval or disapproval of local budgets and bond issues by the state board of tax commissioners; and (2) the department of accounts and its control over local contracts, especially expenditures for public works. Much interest was expressed in this experiment in administrative supervision, and it was agreed that further study of the results was especially desirable.

5. *State Supervision of Local Finance in New Jersey.* This was reported on by Dr. Roger H. Wells, of Bryn Mawr College. This report covered four main fields of supervision: (1) assessments, (2) debts, (3) budgets, and (4) auditing, accounting, and financial reporting. In concluding, an attempt was made to show the extent to which the New Jersey plan accomplished the five purposes of state supervision as outlined by the 1924 round table, using the standards suggested for judging the methods of supervision. These purposes, with the appropriate comments for New Jersey, are as follows:

(1) To collect and publish information and statistical data so that reliable knowledge of local conditions might be available both to the local community and to the state government, on the basis of which further action might be determined. The legal provisions of the New Jersey scheme are adequate to accomplish this aim; however, owing to the small personnel of the state

supervising agencies and the small appropriations made by the legislature, the purpose is only partially realized.

(2) To discover and prevent defalcations, fraud, and corruption, and to enforce other generally established legal requirements for honesty in public administration. If conditions now are compared with those prior to the introduction of administrative supervision, it is apparent that this purpose is largely accomplished.

(3) To enforce minimum standards of record-keeping and other financial procedure necessary for effective local government. The standards of financial procedure embodied in the New Jersey legislation are sufficient to carry out this purpose; nevertheless, the supervising agencies have preferred to "make haste slowly," relying more upon education and advice than insisting upon all requirements which the laws permit the central agencies to impose.[1]

(4) To promote efficiency in the methods of local self-government. This is not one of the major purposes of the New Jersey system. If greater efficiency is attained in a particular instance, such a result is at most only an indirect result of state supervision. For example, if the publicity features of the New Jersey legislation help to produce a more enlightened local opinion, this opinion in turn may produce a more efficient local government.

(5) To control the policy of local governments, with particular reference to the better distribution of public expenditures and burdens. This aim is beyond the scope of the New Jersey plan as it now exists, although the present governor has, on several occasions, recommended legislation with this purpose.

In the discussion on this report, useful information and comment were given by Mr. Cornick, from his knowledge of local conditions.

6. *Budget Procedure.* The round table next took up the question of budget procedure. H. J. Reber, of Griffenhagen and Associates, presented 'An Outline Review of the Problems of Governmental Budgetary Control." The topic was discussed, not from the standpoint of state supervision of local budgets, but from the standpoint of what was good budgetary practice, regardless of the unit of government involved. In order to have a fuller examination of this important subject, Mr. A. E.

[1] The above aims were recognized by the round table of last year as generally advisable, but the other purposes of state supervision of local finance were regarded as of a more debatable character.

Buck, of the National Institute of Public Administration, was invited to attend that session of the round table and to take part in the discussion. The chief points in Mr. Reber's paper may be summarized as follows:

(1) Bases for classifying expenditures; adequate classification of accounts necessary in budget preparation.
   (a) According to the purpose of the expenditure,—what end is served? "Purpose" may be subdivided into (1) a "functional" classification and (2) a "character" classification, the latter being itemized into operation, repairs, capital outlay, etc.
   (b) According to the nature of the expenditure,—what thing is acquired? A "nature" classification would involve a system of heads under which items are all enumerated by name, with quantities and unit costs shown where possible. The prevailing "object of expenditure" classification is objectionable because confused with "purpose."
   (c) According to the origin of the money,—what fund is to be expended?

(2) Preliminary expenditure estimating by department heads. Existing budget procedure does not place enough emphasis upon including information to support the estimates. This information should be carried in footnotes on the budget estimate forms and should include a brief statement of the work done by each unit, a list of positions with rates of pay, explanations of increases or decreases over previous years, etc.

(3) Preliminary revenue estimating. Great practical importance of having some qualified officer assume fully the work of preliminary revenue estimating. No aspect of budget procedure is more generally neglected at present.

(4) Compilation of estimates by budget staff.

(5) Executive or commission review. Before submitting the budget to the legislature, the authority responsible for planning the budget should hold a public hearing at which the chairmen of the financial committees of the legislature should be present and take part. The purposes of this hearing are: (a) to require the governor, mayor, or budget authority to become thoroughly familiar with the compiled estimates; (b) to give the public a chance to be heard on the budget before as well as after it goes to the legislature; and (c) to have the chief financial members of the legislature familiar with what is being done.

(6) Reporting upon the estimates (to the legislature). Estimates should include full supporting information for the benefit of the legislature.

(7) The appropriation bill: provisions for unforeseen requirements. (Mr. Reber favored the use of a central contingent fund, while Mr. Buck held that unforeseen requirements could be adequately cared for by a proper system of executive allotments.)

(8) Reporting upon the budget. After final adoption by the legislature, a statement should be published showing what action was taken by the legislature and what changes were made.

(9) Legislative review or audit at the end of the fiscal year to determine whether or not the budget as enacted by the legislature has been carried out.

Mr. Reber also submitted a series of detailed financial statements prepared for the Chicago board of education. But time did not permit an examination or discussion of them.

At the final meeting of the group, it was voted to continue the round table at the December meeting of the American Political Science Association. The general subject was to be the same, and several research topics were assigned or suggested for report at that time.

JOHN A. FAIRLIE

ROUND TABLE ON MUNICIPAL ADMINISTRATION

MUNICIPAL ADMINISTRATIVE SURVEYS

1. *Scope of Inquiry.* The 1925 round table in municipal administration confined itself to a consideration of municipal administrative surveys. During the past decade over a hundred surveys of municipal government have been made by the New York Bureau of Municipal Research, the Detroit Bureau of Governmental Research, the Philadelphia Bureau of Municipal Research, and the New York Institute for Public Service, and by individuals and staffs drawn from various universities or from private firms of accountants and efficiency engineers. It was the purpose of the round table to examine representative surveys critically with a view to appraising the methods used in these surveys and in the presentation of the reports of the surveys. Attention was therefore centered upon the technique of municipal surveys.

2. *Method of Attack.* As an approach to the problem, each member of the group who registered in advance was assigned to make an analysis and report on an individual survey. These assignments were given, with

one exception, to men who were personally acquainted with the city surveyed and the survey result. The following surveys were examined in this way: Charleston, S. C.; Cincinnati, O.; Newark, N. J.; Lower Merion Township, Pa.; San Francisco, Calif.; and certain phases of the 1925 Wisconsin Better Cities Contest survey. Finally, features of many other municipal and state surveys, such as Nevada, South Dakota, Kentucky, New Orleans, Camden, Chicago, and Tokyo were discussed.

In considering each survey, the report and other available information about it, and the government concerned, were examined to determine:

(a) *The Purpose of the Survey and Report.* Was the study undertaken and the report prepared, primarily for the local officials, or for the local public, or for students of government generally? Was the purpose primarily to describe a condition, to secure better service, to reduce taxes, or to carry out a given reform?

(b) *Scope of the Survey and Report.* Was the study limited to a single or to a few functions of government, or did it include most or all of the functions of a governmental unit within its jurisdictional limits? Did the study include a consideration of economic, sociological, and political factors which impinge upon the more directly governmental and administrative matters?

(c) *Organization of the Survey Staff and its Methods of Work.* Was the staff composed of one or more individuals, and if of several, was there any active chief of staff directing and unifying the work of the group in accordance with a definite program? Were the members of the staff qualified primarily in general research, or were they specially experienced in their individual fields? Was the staff assembled for the particular study in hand, or was it an established and permanent organization? What was the relation of the staff to the governmental officials of the authority surveyed? Were there regular conferences during the course of the survey between the staff and the officials, both as individuals and as groups, and were there conferences within the staff itself? What was the relation of the staff to local citizen groups and to the press? Were the findings and suggestions freely discussed during the survey with the officials, with the public, and the press? Did the members of the staff rely upon previously prepared set questions in gathering their information, or did they depend upon their experience to guide them in bringing together the important facts? To what extent did the survey

staff formulate and use standards of administration as a basis for the appraisal of governmental organization and practices? Was a large amount of statistical material collected and analyzed, as in connection with the study of personnel, assessments, accrued benefits, purchasing costs, budget procedure, charities administration, elections, crimes, and the functioning of the courts? Were time and motion studies made of manual and clerical operations? Was the survey staff responsible for the immediate installation of any part of its recommendations? Did it take a direct part in administration to any degree? Was there any time or other limitation which conditioned the survey or report?

(d) *Form of the Survey Report.* Was the preparation of the survey report under the control of a single editor who directed the writing of the report so as to produce a single unified whole, or were the reports of the individual staff members considered as separate documents, and the entire study as a group of essays? Is credit given to members of the survey staff? Does the report contain a table of contents, an index, and conveniently placed summaries? In the presentation of material is there a sharp separation of findings, criticisms and recommendations? Is the report set up along functional or organizational lines? Does the report contain detailed description of present organization and practices, or does it assume the knowledge of these facts on the part of the reader? Does it adduce considerable comparative material from previous years and from other cities? Are charts, maps, and diagrams used? To what extent are quantitative measures and standards of judgment set forth and explained? How long is the report? Is it printed? For what kind of a reader is the report written?

(e) *The Influence of the Survey and the Report.* Have any of the recommendations been adopted? Have they influenced developments in organization or administrative practices? Are they the subjects of discussion and agitation? Has the survey report been used locally by the officials, citizen groups, or the press to educate local opinion in civic affairs? Has the report been used in other jurisdictions to advance practical reform? Has it been used by university professors and other students of government?

3. *Conclusions of the Round Table.* As a result of its examination of the selected reports and a discussion of the survey methods used in each

case as described by men who were intimately acquainted with the individual projects, the round table reached a number of definite major conclusions. These were:

(a) There has been a marked advance in survey technique during the past decade.

(b) It is not to be expected that all surveys and survey reports shall follow a fixed pattern. The individual study and report must be governed by the particular purpose in mind and must be controlled, further, by the peculiarities of the local situation. A survey must be focussed upon matters of major local importance, which will inevitably vary from city to city.

(c) Nevertheless, it is to be hoped that those who are responsible for surveys will plan their work and their reports so that they may be of use in the cause of public education, because we live in a democracy; and to the advanced students of administration, because we are concerned with the advance of political science.

(d) Surveys of local administration should be as all-inclusive as the situation permits. The greatest weakness of surveys thus far has been their failure to consider systematically economic, sociological, and political factors and to examine in detail the services rendered to the community by other public *and private* agencies.

(e) Wherever the scope of the survey includes various activities of government, the work should be divided among specialists. The members of the survey staff should be definitely organized as an integrated team under the direction of a single man who is qualified to view the situation as a whole.

(f) Whether an administrative survey is made for the responsible officials, or for a group of citizens, or in the interest of political science, it should not be undertaken without the real coöperation of the governmental officials. Full and free access to all records, and the opportunity to secure information and opinions directly from subordinates, should be insisted upon. Repeated conferences should be provided for between the survey staff and the responsible officials during the course of the survey to discuss findings, problems, and suggestions.

(g) The more experienced surveyors do not use previously prepared set questions with which to check up every phase of their work, nor do they rely on formal set standards of administrative organization, practice, or result. While the development of

uniform standards of government organization and procedure is desirable, the limitations of their application to local conditions, legal and otherwise, are recognized.

(h) The report as a whole, should be carefully edited by a single editor, so that the various reports of the specialists may be harmoniously united, duplication eliminated, and continuity maintained.

(i) Individual credit cannot be given in a report prepared by an organized team. The list of the staff should appear as a part of each survey.

(j) While the form of the survey report will differ under varying conditions, the report should always contain careful summaries, and either a detailed table of contents or an index.

4. *Project for Research.* The round table in municipal administration did not have the opportunity to devote any large amount of time to the consideration of projects for future study in the field of municipal surveys. The round table wishes to suggest, however, that the time has come for a more ambitious municipal survey than has heretofore been undertaken. The round table believes that a survey can be organized which will include studies of social and economic questions in a given locality together with studies of governmental, administrative, and political problems. Such a study will require a broader and more highly divided and specialized staff than has heretofore been brought together for any survey.

LUTHER GULICK

ROUND TABLE ON REGIONAL PLANNING

SOME REGIONAL PROBLEMS AND METHODS OF THEIR STUDY

1. *Development of "regions."* The rapid growth of urban centers; the springing up of satellite cities and other settlements on the borders or in the vicinity of populous districts; the development and extension of transportation facilities, including motor traffic highways, and the consequent increased mobility of the population; the setting up of other means of easy communication over large areas; the expectation, and in some cases, the assurance of economies to be gained through coöperation of two or more localities in providing common services required by all—these are a few of the many influences which in recent years have brought into existence a new political or administrative entity which is different from the precinct, ward, municipality, county, or state.

This entity has been called by various names; the word, however, which is being used more and more to describe it is the *region*. Whatever it is that makes a region, the existence of regional needs and the necessity of careful study of these needs are being increasingly recognized.

2. *Program of the Round Table.* In organizing the round table on regional planning it was realized that the political scientist would undoubtedly be interested chiefly in the problems of regional government, while the regional planner, since he is dealing primarily with questions relating to the use of land, would be interested only secondarily in questions of government. Nevertheless it was felt that there is a large area of common ground in these two spheres of interest and that the experience of the planner would have practical suggestions for the student of politics as to problems which sooner or later will require public consideration and action, and suggestions also as to methods of getting light upon these questions. Accordingly, five members of the staff of the Regional Plan of New York and its Environs were asked to lead five of the round table discussions, the sixth discussion was led by Dr. Ralph G. Hurlin, of the Russell Sage Foundation, and the seventh was led by Dr. Paul Studensky, who has recently begun a study of regional government for a committee on metropolitan areas appointed by the National Municipal League.

The subjects chosen for the round table discussions, and the leaders, were as follows: (1) regional planning in relation to public administration, Thomas Adams; (2) the adjustment of government to regional needs, Paul Studensky; (3) the influence of topography on government, Ernest P. Goodrich; (4) surveying recreation problems of a metropolitan area through sample districts, Lee F. Hanmer; (5) the local community —its place in city planning and its relation to political behavior, Clarence A. Perry; (6) securing coöperation of towns, municipal officials, and people within a region, Flavel Shurtleff; and (7) graphic analysis and presentation of facts in types of civic problems, Ralph G. Hurlin.

Space does not permit a full summary of the discussions. The most that may be attempted (particularly since one or more of the papers will be available in print later) is to set down a few of the points which received greatest attention and which are also illustrative of the specific matters given consideration. And, to follow instructions, these are grouped under (I) problems emerging in the field of regional coöperation and government, on the one hand, and (II) methods of dealing with public questions on a regional basis, on the other.

3. *Some Observations on Regional Problems.* From several points of view, attention was called to the fact that regional questions are not new, that this country has had a considerable experience already in setting up agencies to serve the needs of various units of this kind. Examples of such experience were grouped as follows:

(1) *Water districts and boards,* e.g., North Jersey District Water Supply Commission, embracing about a dozen municipalities to which water is delivered.
(2) *Sewerage districts and boards,* e.g., Sanitary District of Chicago, covering twice the area of Chicago.
(3) *Park districts and boards* (concerned also with parkways and roads), e.g., Forest Preserve District (Cook County), Illinois.
(4) *Transit districts and boards,* e.g., North Jersey Transit Commission (thus far studying only the common needs of seven or eight counties).
(5) *Port districts and commissions,* e.g., the Port Authority of New York.
(6) *Bridge and tunnel districts and commissions,* e.g., New York-New Jersey Tunnel Commission.
(7) *Flood control districts,* e.g., Miami Conservancy District, embracing fifteen municipalities.
(8) *Regional planning districts and boards,* e.g., St. Paul, Minn., Troy, N. Y., and Toledo, O.

While, as suggested above, regional questions are not altogether new, the amount of recorded experience regarding methods of studying questions of such geographical proportions was found to be very limited. Indeed, the group recognized from the beginning that as far as scientific study is concerned the field has been worked very little, and that a consideration of methods would probably have to be confined for the most part to primary and elementary procedures.

4. *How Define the Region.* Again, although the regional conception in general may be clear enough, attempts to define regions precisely run into difficulties. Just what does or should a region include? How shall we decide where it begins and where it ends? Dr. Studensky suggested that "as the term is used in political discussions, it is a territory which is neither a municipality, a county, or a state. It is frequently defined as one representing a certain social and economic unity and, I would add, possessed of certain governmental needs, but not coinciding with any of the political divisions mentioned. It is a

territory that may run across municipal, county, and state lines, embracing all or parts of several municipalities, counties, and states."

Mr. Adams would add physical considerations along with economic and social in defining regional boundaries; and for planning purposes he saw difficulties in any attempts at a rigid rule for all regions. "Topographical conditions and political boundaries," to quote him, "for a variety of technical reasons have a bearing on the selection of boundaries. . . . All the urban growth and systems of communication within commuting distance, or say within a radius of from forty to fifty miles from Manhattan, for example, have some economic or social relation to the mother city that has grown up on this island. The fact that this relation exists makes the area within this radius a suitable unit for planning its functional growth and means of communication; but some areas beyond fifty miles, such as the outer extremities of Long Island, are included for physical reasons."

Apparently no general principle can be laid down for defining regions. Many considerations must be taken into account. Until more light is had on the question, the definition will need to be made in accordance with some major interest or function to be performed, or with a group of them.

5. *Other Questions.* (1) Is it practicable, or desirable even if practicable, to make a political unit of an area that is suitable for regional planning? What has past experience in other types of regional endeavor to say on this? Serious drawbacks appear at once; how important are they?

(2) If practicable and desirable, what should be the form of government organized for it? What functions should it perform?

(3) Whether or not a governmental unit is set up for the region, are there important functions to be performed by non-governmental, citizen organizations in studying, recommending, testing, and experimenting in steps to promote the welfare of residents? What is the nature of the function, and how should it be related to other public and private agencies?

(4) What is the proper distribution of functions among neighborhood, municipal, county, and state governmental units? An answer to this will help in defining the functions of regional units.

(5) What are the best methods of administering the government of a regional unit? Through a board, a commission, or a single responsible official? How should it, or he, be selected? To whom responsible? What should be its relation to other bodies in the same areas? How should it

be financed? Should such governmental bodies confine themselves to the performance of a single service or function; or would there be gain in the performance of several?

Some of these are already being studied by Dr. Studensky as a part of his comprehensive investigation of regional government referred to above.

(6) In providing for the present and future recreation needs of a city, what facilities, in number and size of units, such as bathing beaches, parks, playgrounds, athletic fields, or camping reservations, should be provided locally and what provided outside of the neighborhood? How can the best distant sites be determined upon? Should one community or political unit bear the cost, or should several unite in it? If the latter, how shall the cost then be distributed?

(7) What are the factors to be considered in defining a neighborhood and in developing local consciousness and coöperation? Are major features of the regional plan, such as boulevards, motor highways, parkways, or railroad lines, uniting or dividing influences upon neighborhood life? How about rivers and river valleys? What part, if any, does size or width of these features play in finding an answer?

(8) How far should plans for the future of a region be based upon forecasts of future population trends? And in the present state of our knowledge of population tendencies, to what extent is it practicable to supplement or modify predictions obtained by the use of recently worked-out formulae with data showing economic, transportation, housing, recreation, and other trends? If practicable, how can it be done?

(9) To what extent is it desirable and practicable to modify the statistical record-keeping of various units of government so as to make data relating to economic and social conditions and trends more comparable and more useful for statistical purposes?

(10) To what extent is the decentralization of industry and other economic activities possible in a metropolitan center already very large and old? And, if possible, how can it best be promoted?

(11) The regional plan is merely a skeleton basis for the preparation and coördination of county, city, town, and village plans. It aims to produce the design in and through which the various smaller units which have certain interests in common can coöperate. How, then, can that coöperation be best secured? This question, obviously, touches on phases of the others; and this is true of others throughout the list.

The planning field bristles with interrogation points which have definite relation to matters of government and political action. These, it will be seen, are only a few of the many. Most of those cited are being studied in one form or another at the present time; but the extension and supplementing of current investigations should prove useful and is welcomed.

6. *Some Observations as to Methods.* Incidentally, it proved to be difficult in the round table discussions to draw a sharp line between questions requiring study and methods of study. Similarly here in attempting a summary a certain amount of overlapping seems inevitable. It should be added also that no significance attaches to the sequence of the items noted below; nor can they be regarded as in any sense an attempt to draw up an inclusive statement of regional survey methods. Some of the points which were stressed in the discussions are:

(1) Clear Definition of Problem. A first and obvious requirement in studying regional questions is a clear definition of the problem to be attacked. What precisely is the question upon which light is sought? Not what is a proposition to be proved; but what is it to which an answer is sought, pro or con?

(2) Historical as well as Contemporary Study Desirable. As already indicated, some at least of the problems of regional government are not new. In their essential features they have been emerging for forty years or more. This realization emphasized the importance of historical as well as contemporary studies of complex situations and experience in dealing with them.

(3) Fact-gathering. Facts are of basic importance. With full appreciation of the value of statistical material to be found in the public records and elsewhere, emphasis was also placed upon the value of data, not always of statistical character, obtained in field studies. Personal inspection of districts, observation of things in process, and interviewing persons in position to have information on conditions, not only add to the recorded facts but assist in interpreting what has been learned. These procedures were emphasized as indispensable aids in arriving at a sufficient understanding of complex situations.

(4) Sampling and Reconnoitres. Large areas such as the New York Region present serious difficulties in fact-gathering. On the one hand, we do not have the machinery with which to make a house-to-house canvass of the region, such as would be done by the official census. On the other hand, as already suggested, something is required beyond what can be done at an office desk. Somewhere between these two

extremes a method, practicable with the resources at our disposal, must be found. In some cases this can be done through the choice of sample districts for more or less intensive study. Certain recreational questions in New York City have been taken up in this way. Another method tried in the New York Region was the dividing of the whole area into six sectors, each to some extent a unit in itself, and the assigning of one unit each to six groups of investigators and planners. These studies were preliminary; and after quick field reconnoitres made by each, the findings were brought together in conference and discussed and made the basis of tentative conclusions.

(5) Community Participation and Coöperation. A further aid is to be discovered in bringing together the findings of studies already made in different subunits of the region and in stimulating planning and other civic bodies to make studies of their own localities. In addition to use of their findings locally by themselves, the materials which they assemble will contribute to the regional fund of information to be drawn upon in considering common interests in the whole area. In this connection a set or system of symbols which will make it possible for all localities to use the same language, so to speak, in representing their social, civic, and political data graphically seems desirable. An experiment in producing such a system is being made at present in the New York Region and the results will be available soon for any who are interested.

6. Neighborhood Life One of the Regional Objectives. Regional planning, while it has to do chiefly with the major elements of the region's design or pattern for future growth, must also take account of neighborhood life, its need and activities; that is to say, of life in the between-spaces. The plan at least should not set up barriers, divisions, or difficulties in such local units. One method by which the larger scheme or design can foster these interests is to study and plan ideal units on the assumption that local organizations can and will make their own adaptations; and another is to make the larger plan furnish the basis for natural neighborhoods in any extensions of the street system.

(7) Base Map. A necessary step in the study of a region is the preparation of a base map on which may later be put various kinds of data, social, economic, and political. The group found it difficult to agree as to just what should be included on such a map. It probably should show, in subordinated color: the main physical features, such as land and water areas, mountains, lowlands, and marshes; major political divisions; transportation lines; main thoroughfares; parks and cem-

eteries; the location of settled communities, and perhaps large buildings, especially industrial plants occupying large areas.

(8) Graphic Material. Throughout their inquiries investigators should be on the watch for graphic material which may be of use in presenting simply and accurately their pertinent facts and conclusions. Drawings, sketches and diagrams, old cuts, photographs, and illustrative incidents fall within this grouping. Also, both in study of conditions and in presenting findings and recommendations, the airplane map is becoming increasingly useful.

(9) Submission of Reports for Criticism and Staff Conferences. Analyzing community conditions and recommending action aimed at "control of the forces of the hour" are matters of considerable moment. Before going to the public with our facts, however carefully collected, and our proposals, however thoughtfully developed, they should be checked and criticised by those with special knowledge in the fields touched. This is one method of verifying hypotheses which, in the absence of statistical data applying to all parts of the region and of detailed field studies, will have to be used considerably. Indeed, even where statistical material is available such criticism provides a further and useful test of the interpretations of information gathered. In the same way, small advisory committees made up of persons having specialized or expert knowledge of particular problems under investigation are a further means of bringing knowledge of facts and experience to bear upon methods and results. Moreover, the staff conference in which the funded experience and knowledge of specialists in economic, industrial, legal, social, civic, engineering, architectural, and other fields, as well as of specialists in city planning in general, is brought to bear upon facts, interpretations, conclusions, and plans is proving an invaluable aid.

(10) Effective Reporting of Findings. The regional survey and plan is, after all, an educational measure. It is a means of informing community and region upon community and regional matters, and thereby providing the raw materials for intelligent public opinion and a basis for considered action. The project should utilize as many channels of education as it finds open to it, among them being the daily and periodical press, graphic exhibit, and the printed pamphlet or book, as well as neighborhood study groups of many kinds.

SHELBY M. HARRISON

ROUND TABLE ON INTERNATIONAL ORGANIZATION

INTERNATIONAL COMMERCIAL DEVELOPMENT AND THE CONSULAR SYSTEM

The discussions of this round table were begun by a general examination of the purposes and methods of the Conference on the Science of Politics as a whole. The leader made a brief statement on this subject and the members participated in a general discussion designed to clarify the objects to be sought and the program to be followed in subsequent sessions.

1. *Origins of International Commerce and Consular Service.* At the second meeting the members turned to the problem of the development of international commerce during the period from 1100 to 1300 A.D. and the origins and growth of the consular system during that period. A report on these topics was presented by Dr. Norman L. Hill, of Western Reserve University. Dr. Hill suggested that the following materials would be useful in any investigation of such a problem:

(a) commercial treaties and consular conventions of the period;
(b) contemporary codes of maritime law such as the Consolato del Mare and the Valencian Regulations;
(c) municipal records of the period revealing data concerning contemporary commerce and consular organization and practice; and
(d) historical treatises and monographs dealing with twelfth and thirteenth century commerce and consular service.

It was pointed out that the most valuable materials are likely to be found in group "c," but that such materials are the most difficult to obtain in anything like complete form.

Dr. Hill then outlined certain studies which should be made on the basis of these materials, as follows:

(a) correlation of the establishment of new consular posts by cities with any increase in commercial activity by these cities;
(b) calculation of the percentage of commercial cities sending and receiving consular representatives;
(c) tabulation of cases of consular offices established at the instigation of commercial interests and comparison with any cases of offices established on other grounds;
(d) correlation of the expansion of consular representation with non-commercial factors such as:

a. Existence of strong or weak governments in sending or receiving states;
b. Existence of large or small numbers of travelers in certain (receiving) localities;
c. Development of legal study and practice in sending states;

(e) correlation of commercial and non-commercial functions assigned to consuls in 1100-1300 A.D.

The fact was emphasized that these studies would be difficult to carry out because of lack of data, but it was said that if carried out they would throw light upon the character of the connection between commercial development and the development of consular service.

2. *Development of Nineteenth Century Commerce and Consular Service.* A second report was made on the relations between commercial development and the consular system during the nineteenth century, by Miss Katherine D. Klueter, of the University of Wisconsin. Use of the following materials was suggested:

(a) government statistics of commercial activity; exports and imports by countries and ports;
(b) government records of consular organization and practice as follows:
a. commercial treaties and consular conventions;
b. regulations governing consular service;
c. statutes relating to the same;
d. reports of consular representatives;
(c) records of commercial houses and trade associations.

It was pointed out that the materials indicated for this period are very much more plentiful than for the period of origins, but attention was called to the fact that even for the nineteenth century commercial statistics are far from complete for any except six or seven of the most important commercial countries, and only for the most recent years. It was also indicated that most difficulty would be experienced in obtaining materials indicated in group "c."

Miss Klueter suggested the following studies to be made on the basis of the above materials:

(a) correlation of commercial expansion and development of consular service by sending countries;
(b) correlation of commercial activities and reception of foreign consular agents in given cities and ports;
(c) correlation of commercial expansion with demands for consular representation from trade interests;

(d) correlation of growth of trade with changes in duties assigned to consuls;
(e) correlation of growth of trade and relations of consular and diplomatic agents.

It was felt that the two studies last named would shed most light upon the nature of the relation between commerce and consular practice, as well as upon the current problem of amalgamation of the consular and diplomatic services.

3. *Trading Consuls, Native Consuls, Career Consuls.* At this point attention was turned from purely scientific problems of historical development to certain practical problems of the art of consular service.

A third report was made, by Mr. Clyde Eagleton, of New York University, on trading consuls, native consuls, and career consuls. He indicated the following materials for use in dealing with these problems:

(a) records of national departments of foreign affairs regarding:
  a. consular personnel and classification.
  b. work performed and efficiency ratings;
(b) records of national departments of commerce;
(c) reports on commercial activity and practice by commercial organizations (commercial houses, boards of trade, chambers of commerce, business leagues);
(d) Data in response to questionnaires presented to exporters and importers.

It was pointed out here that only in recent years have efforts been made by the nations to employ efficiency ratings and other scientific methods of evaluating the work of consular representatives.

Mr. Eagleton suggested the following questions for investigation:

(a) Relative effectiveness in trade promotion of trading, native, and career consuls;
(b) Relative effectiveness in protection work;
(c) Relative position as to immunities from local jurisdiction facilitating consular work;
(d) relative amount of non-official activity (private business);
(e) relative general competence (tested by errors made, instructions necessary, etc.);
(f) relative availability (cost, number of applicants, etc.);
(g) relative ease of control (response to instructions, insubordination, neglect of duty).

It was stated that preliminary results seem to suggest a higher degree of effectiveness for trading and native consuls than would perhaps be

expected. Further studies might indicate that current abandonment of these types of consuls was fundamentally unsound from this point of view.

4. *Proposed General Consular Convention.* A fourth report, or suggestion for study, was made by Mr. J. H. Toelle, formerly of the Harvard Law School, respecting a proposal for the conclusion of a general consular convention to replace the multitude of bilateral conventions under which consular representatives are exchanged among the nations at the present day. The following lines of investigation were suggested as likely to indicate the desirability or undesirability of such a step, the feasibility of a general consular convention, and the probable content of the same:

(a) duplication in existing consular conventions;
(b) delays in exchange of representation due to absence of consular conventions;
(c) variations among existing consular conventions; resultant inconvenience to consuls, governments, merchants, and travellers;
(d) problems in consular practice at present unsettled and not treated in same (*e. g.*, immunities);
(e) growth of general conventions to replace bilateral agreements in other fields;
(f) imitation among nations in consular organization and practice;
(g) differences among consular conventions for application in European, Latin American, and Oriental countries.

It was felt that such studies would be feasible in spite of dearth of materials on questions "b" and "f." The other studies might be made almost wholly on the basis of the existing consular conventions, with notice, under question "d," of unsettled problems to which allusions are made by writers on international law and consular practice.

5. *Proposed Research Consultation Bureau.* In conclusion, the members discussed a question which had emerged from the consideration of the interrelation of economic, historical, and political factors in the problems of consular service. This was the question of the probable value and feasibility of a research consultation bureau in the field of political science. Such a bureau would consist of a central secretarial office under a director and clerks, and a panel of advisers made up of a psychologist, an economist, a logician, a statistician, a political scientist, an historian, a jurist, a geographer, and others if thought desirable. To this bureau any person—student or teacher—contemplating or carrying on a research undertaking could send a plan,

an outline, or a rough draft for reading and comment by all the advisers individually. The object would be to secure comments particularly from advisers accustomed to approach questions from angles quite foreign to that from which the person sending in the inquiry was approaching the subject. The advisers should be adequately compensated so as to require from them thorough scrutiny and comment on the projects and drafts submitted to them and a reasonable fee charged to clients to justify them in demanding such service. It was felt that research undertakings, and even student theses in educational institutions all over the country, ought to benefit greatly by such a service.

6. *General Review of Nature and Work of the Round Table.* Certain general statements should be made, in review, regarding the round table's activities.

Personnel has varied considerably during the three years in which it has been conducted by the present leader. As a result, it would have been necessary to renew each year the approach to the general problem of method under examination by the Conference, apart from any other factor in the situation.

If the membership had been identical each year, however, the present leader would have been inclined to reopen each year the central problem under examination in the Conference, and begin afresh on new topics on which to try out the general theory of the Conference, rather than to attempt to continue an examination of the same concrete topics a second or third year. For this there seem to him to be several good reasons.

In the first place, the object of the Conference and its component round tables being "the development of a scientific technique and methodology for political science," and to remedy the existing "lack of technique and method" in political study, it has seemed that the attainment of results in terms of answers to any of the substantive questions discussed in Conference is a false goal, quite beside the point, and possibly inimical to the true purpose of the Conference. Certain substantive questions are taken for consideration merely because it is impossible, or at least very hazardous, to attempt to study problems of technique and methodology in the abstract, or because methods—of study, of treatment, of representation—are always colored by the subject matter to which they are applied. This is unfortunate, and we should properly be able to study scientific method as such, quite forgetting for the time being our pet substantive problems of municipal administration or international practice. It is only because we are not

logicians, but political scientists, and because we will (or so we believe) be better able to consider and settle problems of method if we attempt this indirect connection with familiar and concrete subject matter, that we insist on our present approach. This most distinctly does not mean, therefore, that the substantive questions are the principal centers of interest. Quite the contrary, they and answers to them, are entirely beside the point.

Worse than that, the effort to obtain results in this direction is bound to defeat the purpose of the Conference. It would necessitate adherence to one or two substantive problems until they were settled, whereas changes of subject matter were (rightly) suggested in 1924 and again in 1925, and in no way other than by trying out projected methods of treatment on very different substantive topics can we get an adequate estimate of the value and utility of the method as such. Indeed, the object in view will best be served by trying out the method under investigation on as many and as widely different topics as possible.

In considering this aspect of the activities of the Conference certain additional inferences were drawn by the members of this group. Thus it appeared—to one person who was a member in 1923 but not in 1924, and to another who was a member in 1924 though not in 1923—that the discussions each year constituted to a large extent a repetition of materials or problems which had been gone over in the preceding year. This had been obvious to the leader, of course, already in 1924, and it became still more evident this year. The problem of method considered by itself is not inexhaustible. The result is that each year's discussions constitute merely additional practice in the use of a method, the main outlines and many of the details of which were substantially settled by the first meeting in 1923. It is impossible to avoid this situation without abandoning the principal object of the Conference and turning to subject matter instead of method. And it would be impossible to reach any important results in solving substantive problems in the time available during the annual meetings of the Conference. The outcome is that the meetings of the round table become properly training periods in method which may profitably be attended by a group of new members each year who will then return to work at leisure and employ the methods learned at the Conference as far as they find that possible.

It would be somewhat unfair and unsatisfactory to attempt to sum up here all the suggestions and conclusions reached by this round table during the past three years on the use of exact method in the study of

international organization. Furthermore the use of statistical methods and quantitative measurements in this field, where it proves feasible, could only itself be estimated at its true value by a comparison of the results reached by such methods with results obtained by what for convenience may be called the older philosophical method. This would constitute a distinct problem in itself, not yet studied by this group or capable of being studied here. But it may be stated briefly at this point, on the basis of the experience of the past three years, that it has seemed to members surprisingly practicable to adopt a strictly scientific method in the treatment of problems of international organization on a par with problems outside the fields of social science, that it has seemed possible to recognize and define the main features of that method, and that the results promise to be more reliable than any obtained by a less objective and critical mode of treatment. For a statement of the main features of the method to which reference has been made the reader is referred to the Report of Round Table VIII for the Conference of 1923, in this REVIEW, Volume XVIII, No. 1, at page 41.

PITMAN B. POTTER

NEWS AND NOTES

Personal and Miscellaneous

Professor William B. Munro has been appointed the first incumbent of the recently established Jonathan Trumbull professorship of American history and government at Harvard University. The endowment for the new chair was raised by a committee of prominent citizens of Connecticut.

Professor James W. Garner, of the University of Illinois, who fell ill at the opening of the academic year and underwent an operation at the Presbyterian Hospital in Chicago, was sufficiently recovered to return to his work in January.

Professor N. D. Harris, of Northwestern University, spent the first semester in Europe. His new volume, entitled *Europe and the East*, came from the press of Houghton, Mifflin and Company in January.

Dr. William P. Maddox, who recently received his B.A. at Oxford University, is an instructor in political science at the University of Oregon. His special field is international politics.

Dr. R. G. Campbell, of Washington and Lee University, spent the summer of 1925 in European travel and study.

Professor John H. Logan has resigned as a member of the faculty of Rutgers College and is now commissioner of education of New Jersey.

Mr. Charles W. Pipkin, formerly instructor in history at the Massachusetts Institute of Technology, and more recently Rhodes scholar at Exeter College, Oxford, has been appointed assistant professor of government at Louisiana State University.

Count Goblet d'Alviella, author of *La Répresentation Proportionelle en Belgique* and a leader among the group of men who secured the adoption of proportional representation by Belgium for local and parliamentary elections in 1895 and 1899 respectively, died on September 9 as a result of injuries received in an automobile accident.

Mr. Henry K. Norton, formerly of Tsing-Hua College, Peking, lectured at the University of Wisconsin in November on the Peking conferences and the Far Eastern situation.

At the State University of Iowa, Dr. Kirk H. Porter has been advanced to an associate professorship and Dr. George F. Robeson to an assistant professorship; Dr. Forrest R. Black has been appointed as an associate professor; and the following have been made graduate assistants: Messrs. Harry Voltmer, Herman Trachsel, and Herbert Cook, and Miss Dorothy Schaffter.

The Third International Congress of the Administrative Sciences, which was to have been held in Paris in June, 1926, has been postponed for one year. It will meet in Paris in June, 1927.

The department of political science of the University of Minnesota coöperated with the Minnesota League of Women Voters in the second Institute of Government and Politics in that state, held November 16-20, 1925. Professor Quigley conducted a round table on "American Participation in International Organization"; Professors Anderson and Young, a round table on "The Expansion of Governmental Functions in the United States"; and Professor Lambie, a round table on "The Department of Administration and Finance." Special addresses were delivered by Dean Isidor Loeb, of the School of Commerce and Finance, Washington University, on "Federal Aid, its Nature, Extent, and Significance," and by Professor Anderson on "Taxation and Finance."

Mr. Walter S. Penfield, of Washington, D. C., delivered a series of five lectures at the University of Illinois, November 16-19. Three lectures on the general subject of the settlement of international disputes were delivered primarily for the students in international law. The other two, on the diplomatic relations of the United States with the Far East and with Latin America, were for the general public.

Dr. W. E. Mosher, director of the School of Citizenship and Public Affairs of Syracuse University, announces the appointment of the following staff for the summer session of 1926, when a series of courses, especially designed for secondary school teachers of the social sciences, is to be offered: Professor H. Duncan Hall, of the University of Sydney, New South Wales, will give courses in recent international politics and problems of the far east; Professor Richard H. Shryock, of Duke Uni-

versity, will present a teachers' course in government and a course in the introduction to the social sciences; and Dr. Benjamin B. Kendrick, of the University of North Carolina, Dr. H. D. Lasswell, of the University of Chicago, Professor C. F. Remer, of Williams College, Dr. Malcolm Willey, of Dartmouth College, and Dr. Floyd H. Allport, of Syracuse University, will offer appropriate courses in their special fields. The program is planned for teachers in service as well as graduate students planning to teach. The work is to be given in addition to a customary summer school curriculum, offered by the permanent staff of the university.

The Third Institute on the Harris Foundation will be held at the University of Chicago from June 29 to July 16. The conferences and lectures will be devoted to the subject of Mexico. Prominent representatives of the public and university life of Mexico, and of the United States departments of state, commerce, and labor, will participate. The departments of history and political science will offer courses dealing with phases of Mexican history and diplomacy. Regular courses in political science will be given by Professors A. R. Hatton, of Western Reserve University; A. B. Hall, of the University of Wisconsin; Raymond Moley, of Columbia University; and Graham H. Stuart, of Stanford University. Professor Quincy Wright, who has recently returned from a study of the mandate system in the Near East, will also be in residence. Correspondence pertaining to the Institute should be addressed to him.

The Sixth International Congress of Philosophy will be held at Harvard University September 13-17, 1926. One of the four divisions in which the session will be arranged is History of Philosophy; another is Theory of Values, which—among other topics—will deal with the philosophy of the state and of law. Information concerning the meeting can be obtained from the honorary secretary, Professor A. C. Armstrong, Wesleyan University.

An Institute on American Foreign Politics was held in Cincinnati, November 27-28 under the leadership of the Cincinnati Foreign Policy Association and with the assistance of other local societies. The Cincinnati Foreign Policy Association is one of a number of such organizations, more or less affiliated, whose purpose is to furnish information concerning, and encourage the frank discussion of, questions affecting American foreign policy. It holds monthly meetings which are addressed by American or foreign speakers of note. On the occasion mentioned

a two-day program was devoted to problems of the Far East, Europe, and Latin America. The speakers on Far Eastern topics were Dr. C. A. Edmonds, provost of Johns Hopkins University and former president of Canton Christian College; Dr. Kuo Pingwen, first president of the National Southeastern University at Nanking; Mr. Frederick Moore, of the Japanese Embassy, Washington, D. C.; Professor Harold Vinacke of Miami University; and Dr. Henry K. Norton. Participants in the consideration of European conditions were Professor Ernest M. Patterson, of the Wharton School of Finance and Commerce; Mlle. Louise Weiss, of Paris, France, editor of "L'Europe Nouvelle"; Mr. Stephen Bonsal, of Washington, D. C.; Dr. Benjamin B. Wallace, of the staff of the United States Tariff Commission; and Mr. James G. MacDonald, of New York, president of the Foreign Policy Association. The speakers on American policies in Latin America were Dr. S. G. Inman, of Columbia University; Professor Herbert Feis, of the University of Cincinnati; and Dr. Wallace.

Through a subvention of $5,000 a year for three years the American Council of Learned Societies will be able to offer in 1926, 1927, and 1928 a number of small grants (not exceeding $300) for the purpose of aiding scholars who require assistance in the conduct of projects of research in the humanistic and social sciences. Grants will be made only to mature scholars, experienced in scientific methods of research, and for specific purposes (travel, assistance, copies, photographs, appliances, etc.) in connection with definite projects. Grants will not be available for work the object of which is to fulfill the requirements for any academic degree, and, in general, preference will be given to applicants who are not eligible to benefit from special funds for research such as those maintained by certain universities. The awards for 1926 will be made by April 1 by the Committee on Aid to Research of the American Council of Learned Societies: *chairman*, Dean Guy Stanton Ford, University of Minnesota, Minneapolis, Minn., Professor Edwin F. Gay, Harvard University, Professor Edwin Greenlaw, Johns Hopkins University, Dean Gordon J. Laing, University of Chicago, and Dean Frederick J. E. Woodbridge, Columbia University. Applications for grants in 1926 must be in the hands of the chairman of the committee by February 28. Scholars who wish to make such applications should secure the circular *Information to Applicants* from the chairman of the committee or from Dr. Waldo G. Leland, executive secretary, American Council of Learned Societies, 1133 Woodward Building, Washington, D. C.

The National Civic Federation has formed a department of political education whose object is announced to be to bring about more general participation in politics and more active voting by American citizens, with a view to lessening the danger of group government. Hon. Elihu Root is honorary chairman and Hon. Alton B. Parker chairman. Vice-chairmen are chiefly leaders in one or the other of the two principal parties, and there is an executive committee of fifty-five persons of prominence, including Professor Charles E. Merriam, of the University of Chicago. The initial meeting of the department was held in New York, January 28-29.

Annual Meeting of the American Political Science Association. The twenty-first annual meeting of the Association was held at Columbia University, New York, December 28-30, 1925. The registration was 144, and the number of members actually in attendance was probably not less than 175. The American Economic Association, American Sociological Society, American Statistical Association, and other organizations were in session at New York at the same time, and a joint session was held with each of the first two named. Members of the Association also participated in a dinner held by the American Association for Labor Legislation. A reception was tendered the members of the various associations by President Nicholas Murray Butler, of Columbia University. In accordance with a practice introduced at the Washington meeting of 1924, the three forenoons were devoted to sessions of eight round tables; and the general opinion seemed to be that this plan has justified itself and ought to be continued.

The program, as arranged by a committee of which Professor A. N. Holcombe was chairman, was as follows:

MONDAY, DECEMBER 28

9:30 A.M. Meeting of the Executive Council and Board of Editors.

10:00 A.M. **Round Table Meetings.**

1. *Administration of Criminal Justice*
   Raymond Moley, Columbia University, director.
2. *Comparative Government*
   Walter J. Shepard, Robert Brookings Graduate School of Economics and Government, director.
3. *International Law*
   Charles Cheney Hyde, Columbia University, director.
4. *Municipal Administration*
   Luther H. Gulick, National Institute of Public Administration, director.

5. *National Administration* (not actually held)
William F. Willoughby, Institute for Government Research, director.
6. *Political Parties*
P. Orman Ray, Northwestern University, director.
7. *Public Finance*
John A. Fairlie, University of Illinois, director.
8. *Public Opinion*
Robert D. Leigh, Williams College, director.

12:30 P.M. Subscription Luncheon.
Presiding officer: Charles E. Merriam, University of Chicago

Travel Talks

Robert C. Brooks, Swarthmore College, *French Campaign Methods*
Alzada Comstock, Mt. Holyoke College, *Women Members of European Parliaments*
Herman G. James, University of Nebraska, *Brazilian Politics*

3:00 P. M. **Methods of Teaching Political Science: the Introductory Course.**
Presiding officer: Frank G. Bates, Indiana University

The Introductory Course in the State University
Miller McClintock, University of California (Southern Branch)
The Introductory Course in the Endowed Liberal Arts College
Russell M. Story, Pomona College
Relations of the General Introductory Course to the Introductory Course in Political Science
John M. Gaus, University of Minnesota
Discussion by Albert B. Wolfe, Ohio State University

8:00 P. M. **Presidential Addresses** (Joint Session with American Economic Association).
Presiding Officer: Hon. Frederic R. Coudert

War and Economics
Allyn A. Young, Harvard University, President of the American Economic Association
The Progress of Political Research
Charles E. Merriam, University of Chicago, President of the American Political Science Association

Reception of members of the Association by President Nicholas Murray Butler, Columbia University.

TUESDAY, DECEMBER 29

10:00 A. M. **Round Tables,** as on preceding day

12:00 M. Subscription Luncheon
Presiding Officer: Henry R. Spencer, Ohio State University

Political Theory and the British Commonwealth of Nations
Stephen Leacock, McGill University

Discussion by William Y. Elliott, Harvard University

2:00 P. M. **Regional Planning,** with special reference to New York City. (Joint Session with American Sociological Society.)

Presiding Officer: A. R. Hatton, Western Reserve University

Economic Aspects of Metropolitan Planning
Charles A. Beard, Training School for Public Service

The City Plan as a Means of Public Education of the Community
Shelby M. Harrison, Russell Sage Foundation, New York City

The Methods of Studying the Natural Areas of the City
Harvey W. Zorbaugh, Ohio Wesleyan University

4:30 P. M. **Annual Business Meeting of the Association.**

Presiding Officer: Charles E. Merriam, University of Chicago

Annual Reports of the Secretary-Treasurer and of the Managing Editor of the AMERICAN POLITICAL SCIENCE REVIEW. Reports of standing and special committees. Election of officers for 1926

8:00 P. M. **The Growth of International Law.**

Presiding Officer: B. F. Shambaugh, State University of Iowa

Is There a Law of War?
Col. Lucius H. Holt, U. S. Military Academy

The Judgments of International Courts
David D. Wallace, Wofford College

The Jurisdiction of the World Court
Charles G. Fenwick, Bryn Mawr College

Discussion by Charles E. Martin, University of Washington

WEDNESDAY, DECEMBER 30

10:00 A. M. **Round Tables,** as on preceding days

12:30 P.M. Subscription Luncheon

Presiding Officer: Thomas H. Reed, University of Michigan

Appraisal of the Conferences on the Science of Politics.

Martin L. Faust, University of Pittsburgh, *The Members' View-point*
Arnold B. Hall, University of Wisconsin, *The Directors' View-point*

3:00 P. M. **Problems of Method in Political Science.**

Presiding Officer: Charles G. Haines, University of California (Southern Branch)

The Subtle Art of Questionnairing
Harry A. Barth, University of Oklahoma

An Experiment in the Stimulation of Voting
Harold F. Gosnell, University of Chicago
Some Applications of Statistical Method to Political Science
Stuart A. Rice, Dartmouth College
The Relations between Geography and Politics
Ivan L. Pollock, University of Iowa

In the absence of Professor Leacock at the Tuesday luncheon, Professor William Y. Elliott, of Harvard University, discussed the subject assigned, and Professor Quincy Wright, of the University of Chicago, described the political situation in the mandated areas of the Near East which he had recently visited. At the Monday luncheon Professor A. I. Andrews, of Tufts College, substituted for Dean James with a travel talk on the Balkans.

The Executive Council and Board of Editors held an extended session on the opening day of the meeting, and the annual business meeting of the Association was held on the afternoon of the second day. The report of the Secretary-Treasurer on the membership and finances of the Association may be summarized as follows:

I. MEMBERSHIP

Accessions during the year	166
Resignations and cancellations	124
Net gain in membership	42
Applications for membership in hand	10
Total number of members paying annual dues	1511
Number of life members	52
Total membership	1563

Various methods employed to obtain new members were described, and the hope was expessed that members generally will see that persons who would be likely to be interested in the work of the Association are invited to join, or, at all events, that their names are reported to the secretary of the Association.

II. FINANCES

1. Balance, December 15, 1924		$ 896.33
2. Receipts, December 15, 1924 to December 15, 1925		
Dues for 1923	$ 20.00	
Dues for 1924	236.00	
Dues for 1925	4,386.96	
Dues for 1926	715.74	
Voluntary contributions for the support of the REVIEW	672.10	
Sale of publications	704.00	

Advertising	292.75	
Royalties	5.07	
Payment by National Conference on the Science of Politics for publication of report and reprints	285.00	
Miscellaneous	22.42	
Total receipts		$7,390.04
Total balance and receipts		8,286.37

3. Disbursements

Bills paid for 1924	$ 230.41	
Williams & Wilkins Co., Baltimore (printing and distributing the REVIEW)	5,179.03	
Clerical and stenographic assistance, office of secretary-treasurer	397.95	
Clerical and stenographic assistance, office of managing editor	445.35	
Postage, office of secretary-treasurer	153.00	
Stationery and printing	127.70	
Express, freight, and drayage	391.64	
Miscellaneous	300.03	
Total disbursements		$7,225.11
Balance December 15, 1925		1,061.26

4. Trust fund

City of Madison, Wis., 5½ special street improvement bonds, purchased Feb. 11, 1924, due April 1, 1928, @ $101.00 and accrued interest, total cost $1,278.38, par value	$1,200.00	
On deposit Branch Bank of Wisconsin (Madison) December 15, 1924	241.96	
Interest on bonds to April 1, 1925	66.00	
Receipts from life members during 1925	30.00	
Total (without accrued interest on bonds)	$1,537.96	

Estimates were presented for the year 1926, showing balance and probable receipts aggregating $8,621.51, disbursements aggregating $6,350.00, and a balance December 15, 1926, of $2,271.51 (without taking into account any increases of expenditure that might be authorized by the Executive Council).

The treasurer's accounts were audited by a committee consisting of Professors F. G. Bates and B. F. Shambaugh and were reported complete and correct.

On recommendation of the Executive Council, it was voted that the practice of billing members for five dollars, with the explanation that payment of the additional dollar for the support of the REVIEW is optional but desirable, be continued in 1926 and until action is taken to the contrary.

With a view to maturing plans for the most proper and advantageous use of the Association's present funds, and also considering the feasibility of seeking funds of a more ample nature than can be derived from the ordinary sources of income, a committee on fiscal policy was set up, composed of Dr. Charles A. Beard, incoming president; Professor Charles E. Merriam, retiring president; Professor J. R. Hayden, secretary-treasurer; Professor Frederic A. Ogg, managing editor of the REVIEW, and Professors John A. Fairlie and R. C. Brooks.

During the summer Professor John A. Fairlie, managing editor of the *Review* since 1917, asked to be relieved, and in October the Executive Council informably elected Professor Frederic A. Ogg, of the University of Wisconsin, as successor. Professor Fairlie's resignation was definitely accepted at the December meeting, with strong expressions of appreciation of his services during the past nine years; and the election of Mr. Ogg was made definitive. On nomination of the latter, Professor Fairlie was continued as a member of the Board of Editors; and further changes in personnel were made as follows: (1) Dr. W. F. Dodd retired because of pressure of other work; (2) Professors W. J. Shepard, of the Brookings Graduate School, Bruce Williams, of the University of Virginia, and Dr. C. A. Berdahl, of the University of Illinois, were added, thus raising the number of members (in addition to the managing editor) from eight to ten.

Comprehensive reports were heard from the representatives of the Association in the American Council of Learned Societies and the Social Science Research Council. Synopses of these reports, as presented by Professors J. P. Chamberlain and C. E. Merriam, respectively, are printed below.

It was reported by Professor Fairlie that active steps have been taken toward arranging for the preparation and publication of an encyclopaedia of the social sciences; and it was voted that representation in the inter-association executive committee which is considering the project be continued and that the sum of $250 be appropriated from the treasury of the Association for use by the committee in maturing its plans.

Officers were elected for 1926 as follows: President, Dr. Charles A. Beard, New Milford, Connecticut; First Vice-President, Professor B. F. Shambaugh, of Iowa State University; Second Vice-President, Professor W. J. Shepard, Brookings Graduate School; and Third Vice-President, Professor R. G. Gettell, University of California. Newly elected members of the Executive Council for the term ending in 1928 are:

Professors A. B. Hall, University of Wisconsin; S. Gale Lowrie, University of Cincinnati; Louise Overacker, Wellesley College; R. M. Story, Pomona College; and L. D. White, University of Chicago. The nominating committee having been unable to propose for the secretary-treasurership the name of a person who had agreed to accept, the Executive Council was authorized to make an appointment for 1926.[1]

The place of meeting in 1926 was left to decision of the Executive Council. Announcement will be made in the May issue of the REVIEW.

The American Political Science Review.[2] The American Political Science Association was organized at New Orleans in December, 1903. For three years the only publication was an annual volume of *Proceedings and Papers* at the annual meetings. In November, 1906, the first number of the AMERICAN POLITICAL SCIENCE REVIEW was issued; and for seven years both the quarterly REVIEW and the annual volume of *Proceedings* were published; for the last two of these years, the *Proceedings* were issued as a supplement to the REVIEW.

During this period the volume of *Proceedings* varied from a minimum of 176 pages (for the 1909 meeting) to a maximum of 335 pages (for the 1907 meeting). The REVIEW varied from 653 pages (for the year 1910) to 740 pages (for the years 1913 and 1914). The largest single year's publication was 1,035 pages (in 1908), and the smallest, after the REVIEW was begun, was 829 pages in 1910.

After the separate publication of the *Proceedings* was discontinued, the size of the REVIEW was increased to about 830 pages; and in 1916, supplements aggregating 62 pages were also issued, making a total of 893 pages for that year.

In the summer of 1916 Professor W. W. Willoughby retired as managing editor; and my service, as his successor, has continued for a substantially equal period. In 1918, increasing prices, due to war conditions, led to a reduction in the size of the REVIEW, which reached a minimum of 656 pages in 1921. Since then it has been again increased, and for the past two years has been 880 and 909 pages—larger than in any previous years, and larger than the REVIEW and *Proceedings* in some years.

Some changes in the internal make-up of the REVIEW may be noted. In the first volume there were 14 leading articles, aggregating 306 pages

[1] Professor J. R. Hayden, of the University of Michigan, was later selected.

[2] Prepared by Professor John A. Fairlie on retiring from the managing editorship of the REVIEW after nine years of service, and read at the annual business meeting of the American Political Science Association December 29, 1925.

—about 40 per cent of the total. Shorter notes in several departments aggregated 152 pages. Notes on current legislation appeared in each number; and notes on international affairs, colonial government, judicial decisions, and municipal affairs were in one or two numbers. There were also personal and bibliographical notes (65 pages), book reviews (136 pages), and lists of periodical articles and government publications (63 pages).

During the first ten years, the distribution of material altered somewhat. Leading articles increased in number and in aggregate length, especially with the discontinuance of the *Proceedings*, but on the average were shorter. In 1916, there were 26 leading articles, with a total of 393 pages—about 43 per cent. Notes on state legislation continued to be published regularly in each number, totalling 99 pages in 1916. Notes on municipal affairs were frequently published—in three numbers in 1911, totalling 47 pages; but after the publication of the *National Municipal Review* was begun, municipal notes appeared only occasionally, and none in 1916. Toward the end of the first decade, brief notes on state judicial decisions appeared regularly in each number, totalling 34 pages in 1916; and a brief summary of the decisions of the United States Supreme Court was printed for several years. Other departmental notes were not continued regularly. Personal and bibliographical notes, book reviews, and lists of books, periodicals, and government publications were continued.

Since 1916 the number of leading articles and the space given to such articles has noticeably declined. During 1925 there were 14 such articles, aggregating 232 pages—about 25 per cent of the total number of pages in this volume. This has been due in part to a change in the programs for the annual meetings, which have included fewer long papers, and more informal discussions. Some of the papers presented at the meetings have been published in the departmental notes; and others have been published in other places. Nearly all of the papers which have come to the editor have been published, as well as articles from other sources.

On the other hand, the space given to departmental notes and the number of separate departments has been materially increased. Legislative notes and reviews have appeared regularly in each number, but the number of pages has somewhat declined. This has been due in part to an apparent decline in the activity of state legislative reference bureaus. Judicial decisions on public law are published frequently—a general summary of the decisions of the United States Supreme Court, and a section of brief notes on state decisions, appearing each year.

Notes on international affairs and on municipal affairs are included from once to twice a year. New departments of notes on American government and politics and on foreign governments have been established, and appear from time to time—notes on foreign governments twice or three times a year. Notes on colonial government have not been continued. The departmental notes in recent years are usually short articles, and sometimes longer articles, rather than brief paragraphs on a larger number of subjects.

For the last two years, the reports of the National Conference on the Science of Politics and the reports of the round table conferences at the annual meeting have added another new feature.

Book reviews and personal and miscellaneous notes have been continued regularly, with some increase in the space given to book reviews and notices. The list of publications has been greatly extended, partly on account of the increased number of such publications, but also because the work has been more systematically and thoroughly carried out.

In the development of the special departments, credit is due to the various members of the board of editors, and to others in charge of particular departments.

Two tables of statistics appended to this report illustrate some of the topics discussed.

For the future, one problem which should be considered is the preparation and publication of another general index at the end of the twentieth volume of the REVIEW. In 1917 a general index was published covering the ten volumes of *Proceedings* and the first ten volumes of the REVIEW. This was prepared at the Indiana Legislative Reference Bureau, under the supervision of Mr. John A. Lapp. If another Index is to be prepared at the end of the twentieth volume, work on it should begin soon, and it will be necessary to decide whether this should cover only the second ten volumes or should include also the earlier volumes and the *Proceedings*.

TABLE I

PROCEEDINGS OF THE AMERICAN POLITICAL SCIENCE ASSOCIATION AND THE AMERICAN POLITICAL SCIENCE REVIEW, 1904–1925

	Proceedings		*Review*	
1904	249			
1905	232			
1906	258		721	1906–07
1907	335		700	1907–08
1908	261		666	1908–09
1909	176		653	1909–10
1910	197		689	1910–11
1911	226		689	1911–12
1912	197		740	1912–13
1913	193		740	1913–14
		Supts.	832	1915
		62	831	1916
			827	1917
			772	1918
			734	1919
			173	1920
			656	1921
			766	1922
			738	1923
			880	1924
			909	1925

TABLE II

AMERICAN POLITICAL SCIENCE REVIEW

	1906–7	1911	1916	1920	1925
Leading Articles	14–306	18–287	26–393	12–243	14–232
Notes on Legislation	4–114	4– 96	4– 99	4– 76	4– 71
Judicial Decisions	1– 4	.....	4– 34	4– 69	2– 35
International Affairs	2– 11	.....	.....	2– 30	1– 18
Colonial Government	1– 2	.....	.....	.....	.....
Municipal Affairs	1– 11	3– 47	.....	1– 22	1– 13
American Government	.....	.....	.....	2– 32	1– 12
Foreign Governments	.....	.....	.....	3– 27	3– 80
Reports on National Conferences	.....	.....	.....	.....	1– 59
News and Notes	4– 65	4– 72	4– 73	4– 38	4– 56
Book Reviews	4–136	4–116	4–127	4–125	4–153
List of Publications	4– 63	4– 65	4– 85	4–100	4–147
Vol. Index.	18	16	9	10	10
	721	689	831	773	909
Proceedings	258	197			
Supplements			62		
Totals	978	886	892	773	909

Annual Report of the Social Science Research Council.[1] The Social Science Research Council was organized in 1923 by concurrent action of national associations interested in social research. This group at first included the American Economic Association, the American Sociological Society, the American Political Science Association, and the American Statistical Association. During the year 1925 the membership of the Council was increased by the addition of representatives from the American Psychological Association, the American Anthropological Association, and the American Historical Association. Each organization has three representatives in the Council.

The seven organizations are now brought together for the purpose of promoting the interest of scientific research in the field of social inquiry, particularly in cases where problems overlap the boundaries of one or more of the special fields concerned. It is believed that with the seven thus united it will be possible to advance the prospects of social science by the study of methods of social research, by consideration of special problems, and by coördination of scattered types of inquiry otherwise independent and isolated.

During 1925 the Council appointed a special committee on problems and policy for the purpose of considering certain special questions already before the Council, as well as others, and of canvassing the general policy to be followed by the Council. This held a ten-days' session at Dartmouth College during the summer and considered at length the work of the Council in general and a number of specific problems in particular. As a result, the Council decided to organize a standing committee known as the problems and policy committee, to consist of six members chosen by the executive committee for a term of three years. Under the general direction of the Council, this committee will have power to devise and recommend research problems referred to it by the Council, and any other problems that the committee may see fit to recommend. The committee will ordinarily deal with each of the following aspects of the problems considered: (1) the practicability of the problem for scientific investigation; (2) adequateness and appropriateness of the technical plans and budget involved; (3) selection of personnel for the supervision of the problem. The committee will have power to appoint special advisory committees, of ordinarily not more than five, to consider the formulation of a problem, to analyze the problem into parts susceptible of scientific treatment,

[1] Presented at the annual meeting of the American Political Science Association, December 28, by Professor Charles E. Merriam, Chairman of the Council.

to study the character and scope of the investigations which seem desirable, and to suggest agencies whose coöperation can profitably be enlisted in the work.

This committee now consists of the following members: Professor A. B. Hall, University of Wisconsin, chairman; Professor Edwin F. Gay, Harvard University; Mr. Shelby M. Harrison, Russell Sage Foundation; Professor Clark Wissler, Yale University; Dr. H. G. Moulton, Institute of Economics, and Professor R. S. Woodworth, Columbia University.

The committee has recommended, and the Council has approved, the setting up of committees on research in the fields of (1) alcoholism, (2) the negro problem, (3) the study of crime, (4) agricultural economics, and (5) certain significant phases of social and industrial relationships. On recommendation of the committee, the Council at its last meeting also adopted the following general policies in respect to research: (1) ordinarily it will be the policy of the Council not to undertake investigation directly, other than preliminary studies; (2) ordinarily the Council will deal only with such problems as involve two or more disciplines; and (3) generally it will be the policy of the Council to serve only as a clearing house in matters of research in the social science field. Furthermore it was determined by the Council to undertake the gathering of pertinent information concerning research projects, personnel, and funds and endowments available for research. It was understood that the Council would coöperate with any other agencies interested or engaged in similar enterprises in overlapping fields.

It is hoped that the administration of the Council's projects and problems will be covered by adequate financial arrangements for this purpose. During the year 1925 a grant was made to the Council by the Russell Sage Foundation for the expenses of general administration, but a new budget is being prepared covering the work of the Council and the problems committee which it is hoped may be favorably acted upon in the near future.

During 1925 funds were made available to the Council for the purpose of awarding fellowships to advanced students desiring to carry on social research in the field of the social sciences broadly construed. Speaking generally, these fellowships correspond to those awarded by the National Research Council. Evidence of exceptional ability in research must be presented by each applicant, together with a definite outline of a project giving promise of scientific accomplishments. The terms of the fellowship may range from several months to as much as two years, depending

upon the character and requirements of the problem. The work of the fellows is subject to the supervision of the Council's committee on fellowships, of which Professor Wesley C. Mitchell, of Columbia University, is chairman and Professor F. S. Chapin, of the University of Minnesota, secretary. A substantial fund to cover these fellowships for a period of five years has been set aside by the Laura Spelman Rockefeller Memorial. In 1925 the sum of $49,000 was available for the purpose.

During the past year the committee on human migration, of which Dean Edith Abbot is chairman, continued the development of its projects. One unit of the plan was undertaken by the National Bureau of Economic Research, under whose general direction Professor Harry Jerome, of the University of Wisconsin, was engaged in the study of the relation of the mechanization of industry to migration. This project was continued during the year 1925-26 and will be completed by July 1, 1926.

The committee also undertook a statistical study of the basic movements in migration in recent times, under the direction of Professor Walter F. Willcox, of Cornell University. In coöperation with the National Research Council's committee on human migration (of which Professor Stratton is chairman), a comprehensive plan is now being worked out, and it is hoped that the plan may be completed within a short time and its execution vigorously pushed forward. The coöperation of the committees from the two councils offers an excellent example of the possibilities, and also the difficulties, of bringing about successful coöperation between those interested in the social implications of natural science and those interested in social science.

The committee on international news and communication, of which Mr. Walter S. Rogers is chairman, continued the development of its program during the year 1925. An interesting offshoot of the work of this committee is the establishment in 1925 of an Institute of Current World Events, a foundation which will make possible a detailed study of and reporting on current social events in a wide range of nations. This foundation, of which Mr. Rogers is director, will undertake to develop personnel for the purpose of studying questions of news and public opinion in different parts of the world and of reporting their findings in the United States by means of articles, addresses, and discussions. This project is now just beginning, but is already financed on a scale sufficiently broad and generous to make it possible to test out its possibilities. While this result was not anticipated when the Council

created the committee, it illustrates the possibilities of indirect development in collateral fields.

The committee on indexing and digesting of the session laws of the various states, of which Professor Joseph P. Chamberlin, of Columbia University, is chairman, has continued its activities during 1925 and has made substantial progress. An appropriate bill has been carefully drawn and the whole question will come before the House judiciary committee during the coming winter. It is hoped that it will be possible to make progress with the financing of this very significant project. Through the efforts of the committee, the support of a large number of organizations has been secured, and there is every reason to believe that the work of the committee will be successful in the near future. This project, if carried through, would constitute an achievement of very great significance in the practical study of American legislation.

The committee on social science abstracts, of which Professor F. S. Chapin, of the University of Minnesota, is chairman, is still engaged in the development and financing of its plan. The committee's activities during the year 1925 include: (1) The preparation of sample abstracts of social science articles drawn from the fields of anthropology, economics, political science, and sociology. This material will be published in the form of a dummy for distribution among members of the social science societies in order to ascertain the interest in a possible Journal of Social Science Abstracts and to determine what support may be obtained in the form of individual subscriptions for such a publication. (2) Promising contacts have been established with several publishing houses regarding the publication of such a journal as soon as a budget and editorial arrangements can be worked out. With assurances of some subscriptions and a moderate endowment, the committee believes that a publishing house will be found willing to undertake the publishing of this journal. (3) The committee has also undertaken to obtain a subvention to establish the journal.

The committee on the survey of social science agencies, of which Professor Horace Secrist, of Northwestern University, is chairman, has continued its consideration of the plan for a study of social research agencies, with special reference to the technical methods employed, and with the hope both of developing closer coördination of social research projects and of aiding in the evolution of more scientific approach to social problems. This committee, one of the first organized by the Council, has been reconstructed this year and is prepared to pursue its objectives more effectively.

On the whole, the Council has made substantial progress in 1925, both in the direction of more effective organization and in dealing with specific types of problems. It is the hope of the members of the Council that it may be increasingly useful to students of social science and that the various constituent organizations and their respective members may find it helpful in the organization and development of technical social research. The Council is in an experimental state, and suggestions for making undertakings and methods more valuable to the social sciences or to those interested in the social implications of natural science are welcomed.

Annual Report of the American Council of Learned Societies.[1] The activities of the American Council of Learned Societies (ACLS) fall into two general categories, according as they have to do with (1) international coöperation arising chiefly out of the Council's membership in the Union Académique Internationale (UAI) and (2) the development of relations between the constituent societies and the promotion of their interests and the advancement of the humanistic and social sciences in the United States.

Activities which are of at least incidental concern to political scientists include: (1) the preparation of a dictionary of medieval latin, and also of a dictionary of late mediaeval British latin; (2) the setting up of a committee on intellectual coöperation (chairman, R. A. Milliken); (3) new arrangements for the distribution of American learned publications abroad; (4) annual conferences of secretaries of the constituent societies, held in New York at the expense of the ACLS; (5) the establishment of *Speculum*, a journal of medieval studies; and (6) assistance to the American Library Association in preparing its annual catalogue of books recommended for purchase by public libraries.

Activities of larger or more direct concern include:

Dictionary of American Biography. The committee on management, J. Franklin Jameson, Carnegie Institution of Washington, chairman, has selected Professor Allen Johnson, of Yale University, to be general editor, and he will assume active charge in February, 1926. Meanwhile,

[1] Composed of two representatives each of the American Political Science Association and eleven other societies devoted to humanistic and social studies, as follows: American Philosophical Society, American Academy of Arts and Sciences, American Antiquarian Society, American Oriental Society, American Philosophical Association, Archaeological Institute of America, Modern Language Association, American Philological Association, American Historical Association, American Economic Association, and American Sociological Society.

considerable progress has been made in drawing up preliminary lists of persons to be considered for inclusion in the Dictionary, and the co-operation of the constituent societies through the appointment of consulting representatives has been invited.

Survey of Research. The Council has secured a subvention of $10,000 from the Carnegie Corporation for a survey of research in the United States in the humanistic and social sciences. The survey will include projects of research being carried on by societies, academies, institutions, foundations, governmental agencies, research bureaus, etc., as well as by individual scholars, including students in graduate schools. It is also proposed to make as complete a list as possible of all funds, fellowships, prizes, etc., which are available for the aid and encouragement of research, and to investigate the existing means of publishing the results of research. The survey will proceed actively during the coming spring and summer, under the direction of Professor Frederic A. Ogg, of the University of Wisconsin, who may be addressed at 1133 Woodward Building, Washington, D. C., concerning any aspect of it. Effort will be made to coördinate the survey of the ACLS with surveys which may be planned or undertaken by other bodies, such as the Social Science Research Council and the American Association of University Professors, in order to avoid duplication and to meet as many needs as possible.

Handbook of Learned and Scientific Societies. Upon invitation from the National Research Council, the ACLS is coöperating with that body in planning a directory of American learned and scientific societies and institutions, which will resemble, with important differences, the Handbook compiled by the Carnegie Institution some twenty years ago.

Survey of Learned Societies. The Survey of Learned Societies has progressed during the year and when completed will make a substantial volume. A summary will be issued early in 1926, and the complete work will be published during the year.

Grants in Aid of Research. The Laura Spelman Rockefeller Memorial has made an annual subvention to the ACLS of $5,000 a year for three years on the basis of which the Council is able to offer in 1926, 1927, and 1928 a number of small grants not exceeding $300 for the purpose of aiding mature scholars in their projects of research in the humanistic and social sciences. The grants will be made for specific purposes, such as travel, assistance, appliances, copies, photographs, computations, compilations, etc., and will be awarded by the Committee on Aid to

Research, of which Professor Guy Stanton Ford, of the University of Minnesota, is chairman.

Catalogue of Foreign Manuscripts in American Libraries. At the last meeting of the ACLS a committee, Professor Karl Young, Yale University, chairman, was appointed to undertake the preparation of a catalogue of manuscripts originating outside of America which are to be found in the libraries and collections of the United States. The value and need of such a catalogue are obvious, and the task before the committee is one of large proportions. It is expected that with the coöperation of the Library of Congress and of the principal University libraries, a substantial beginning in the actual cataloguing of certain collections will be made during the coming year.

Encyclopedia of International Public and Private Law. The Royal Academy of Sciences of Amsterdam has recently presented a proposal to the member academies of the UAI for the compilation by international coöperation of an Encyclopedia of International Public and Private Law. This proposal was considered by the ACLS at its annual meeting in January, 1926, and will come before the UAI for consideration in May of the same year. The American Society of International Law has been asked to join with the ACLS in the consideration of this project.

Dictionary of Indonesian Customary Law. American scholars have not as yet taken an active part in the gathering of material for the Dictionary of Indonesian Customary Law. Efforts are being made, however, to organize a committee in the Philippines and in the United States which will make possible the important contribution to this work that is properly expected from this country.

The American delegates presented to the UAI a proposal by the ACLS for an International Survey of Current Bibliography and of important retrospective bibliographies since 1914 devoted to the humanistic and social sciences. The object of the proposed survey is to prepare a list containing detailed descriptions of current bibliographical enterprises, which would enable scholars to have more complete knowledge than is at present easily obtainable respecting the important bibliographical tools in their respective fields. Such a survey will doubtless reveal much duplication, as well as important gaps, and will be the first step toward systematising and making more comprehensive the bibliographical record of the current output. The ACLS is now engaged in developing the proposal for further examination at the next meeting of the UAI. The informal proposal of the delegates of the ACLS that the UAI should undertake enterprises in the fields of modern

history and the social sciences was warmly received, and it is expected that such projects will be undertaken in the near future, thus balancing the present tendency to emphasize work in archaeology and philology.

In concluding its report for the year, the executive committee calls attention to the fact that the American Council is a representative body, the agent of its constituent societies, and that it urgently invites suggestions as to ways of serving their joint and several interests. The representatives of the American Political Science Association in the Council are Professors J. P. Chamberlain, of Columbia University (chairman), and Frederic A. Ogg, of the University of Wisconsin.

BOOK REVIEWS

EDITED BY W. B. MUNRO

Harvard University

The Moral Standards of Democracy. By HENRY WILKES WRIGHT. (New York: D. Appleton and Company. 1925. Pp. 309.)

Idealism these days is on the defensive all along the line. The attack takes various forms. The mechanistic trend of science, realism in art and literature, behaviorism in psychology, and pragmatism in philosophy, all represent in one phase or another a definite reaction against idealism. In politics, as elsewhere, this tendency is clearly visible. T. H. Green and Bernard Bosanquet have gone out of fashion; Graham Wallas and Harold Laski are more or less the vogue. We do not have to turn to the pages of *The American Mercury* to discover the drift away from the ideals of the Victorian epoch. Even Lord Bryce in his *Modern Democracies* sounded a distinct note of disillusionment; and Professor Dunning in the closing chapter of his third volume seems oppressed with a sense of the futility of ideas as a creative force in political affairs. Henry Adams was merely a decade or two in advance of his times in depicting the degradation of the democratic dogma. Indeed, democracy, the cardinal ideal of nineteenth-century politics has well-nigh ceased to cast its spell. Perhaps the war and its consequences may have intensified the movement away from ideals. Certainly there is a decided revulsion today against such general notions as "making the world safe for democracy"; and even "national self-determination" leaves us cold.

Our present approach to social problems is far more skeptical than that of a generation, or even a decade, ago. Furthermore, we are not looking for general solutions, nor do we invoke general principles. Institutions rather than ideas are the subjects of our interest and investigation; and institutions we justify or condemn by some rather pragmatic standard of immediate social utility, not with reference to their conformity or lack of conformity to any exalted and abstract ideal. We favor or condemn such institutions as proportional representation, the manager system of municipal government, bicameralism, a national

budget, inheritance taxes, the League of Nations, and even woman suffrage, because we believe that in each case the weight of evidence indicates that they do, or that they do not, work satisfactorily with reference to the immediate problems and the immediate situation which they confront. This is largely true both of the student of politics and the man on the street. The *Zeitgeist* affords meagre hospitality to general ideals.

Has the pendulum swung too far in the pragmatic direction? Is a reconciliation indeed possible between such apparently antithetical points of view as those of the physiological and behavioristic psychologist on the one hand and the disciple of Kant, Hegel and Green on the other? Would such a reconciliation not mean the bridging of the hitherto impassable gulf between physics and metaphysics? These are some of the questions which occur to the reader of Professor Wright's little volume.

It is indeed a reconciliation between the points of view of behavioristic psychology and idealistic philosophy that the author attempts,—certainly, we may say, an ambitious undertaking. Probably not many readers will agree that he wholly succeeds, but that the effort is decidedly worthwhile and that the views presented are highly suggestive, indeed intriguing, cannot be gainsaid. And withal, the discussion is at all times lucid, the argument advancing in cogent form with interest continually maintained. Democracy, for Professor Wright, is not the mere enthronement of the majority principle nor the embodiment of the idea of equality. Its essence is rather that of community. "By community is meant the participation of all members of society in a good which cannot be divided into parts that fall to the exclusive possession of their individual owners, but which, since it is by nature a common good, can only be realized jointly by a group of communicating individuals." It is in analyzing this community relationship that the author carries us far into the discussions of contemporary psychology.

His entire thesis rests upon a fundamental distinction between the processes of instinct and intelligence. The former are inborn action patterns which bring about adjustments between the organism and its environment; the latter consist essentially in the capacity of selection from the changing world of sense-perceptions of those qualities and relations of permanent interest and import. It is on the higher level of intelligence that there enters a field of choice, of freedom, based upon a conception of values which are universal, because such values reflect the unity of intelligence itself, comprehending the totality of experience

Thus, the individual intelligence identifies itself with a comprehensive rational community.

Democracy is, for Professor Wright, identical with such an inclusive rational community. Its achievement is possible through the three forms of human association: discussion, coöperation, and imaginative sympathy. In discussion there is a sharing of ideas; in coöperation there is a sharing of the practical adjustments or controls by which external nature is made to serve the ends of man; in imaginative sympathy there is a sharing in the emotional life of individuals. In all these forms of association, sharing does not reduce but enlarges the share of each participating individual. Thus the good life is a community life, an ideal democracy. "The moral ideal . . . calls for the existence or creation of a society, a universal community of intelligent persons, among whom there is complete mutual understanding, working fellowship, and imaginative sympathy."

The latter part of the book is devoted to a discussion of the means by which progress toward this democratic ideal may be furthered. The chapters on Democracy and the Development of Social Institutions, Democracy and Education, and Democracy and Industry, contain the author's views in regard to the essential steps needed to vitalize and invigorate the institutions through which this ideal is now partially attained, and through which its more complete realization is possible.

Professor Wright's essay is a challenge to latter-day skepticism and disillusionment and, as such, it deserves a wide reading.

WALTER JAMES SHEPARD.

Robert Brookings School.

Contemporary Political Thought in England. By LEWIS ROCKOW. (New York: The Macmillan Co. 1925. Pp. 336.)

The Indestructible Union. By WILLIAM MCDOUGALL. (Boston: Little, Brown, and Co. 1925. Pp. xiii, 249.)

Mr. Rockow's survey of contemporary political theory in England offers some interesting points of comparison with the grouping of political problems centering about nationalism which Professor McDougall has undertaken for the United States. In spite of a necessary divergence of method due to the fact that the former is cataloguing the main figures of English political thought, without any attempt to group his theorists about a coherent set of problems, while the latter is dealing *ipse dixit* with his own theory of nationalism, there is an interesting

common theme implicit in the two books: the growth of an interdependent economic and social community within the area of nationalism which is forcing a reconstruction of the individualistic liberalism of nineteenth-century democratic philosophy. The preoccupation of English thought is naturally centered upon the means of preserving some ethical basis of government that will yet square with the efficiency necessary to the economic survival of that "tight little island," now fairly bulging with a surplus population. Professor McDougall's interpretation of the great problem of American nationalism, on the other hand, is one that emphasizes the assimilation of races, their exclusion, in order to secure what he has earlier called the true "group mind."

Although Mr. Rockow leads off his list of theories with what one may call the English period of Professor McDougall's writing, it is obvious that he is writing of a different figure than the author of *Is America Safe for Democracy* and *The Indestructible Union*. The Professor McDougall of the social psychology period, about whom Mr. Rockow writes, fits into the context of English theory; he is interested in the theoretical groundwork of society and the state; in the latter period he is more American than the Americans in turning pragmatically to the actual state of the nation.

Historians will no doubt be scandalized by the seven-league strides Professor McDougall makes through the development of nationalism, and by what is certainly a very scant realization of the tough reality of the federal spirit in a country so huge and so diverse. The biology of democracy is important enough, and no one would suggest slighting the racial problem. And yet, to pass so hastily over economic and cultural forces as Professor McDougall has done in creating his *Indestructible Union* is openly to court the charge of superficiality and lack of complete acquaintance. As usual, he is not lacking in daring proposals or in vigor of conviction. The only solution of the negro problem seems to him to lie in providing a territory sufficient for a population of fifteen or twenty millions in which the negro may be segregated completely. Without wasting time in the consideration of ways and means, he suggests that "such a territory might be set aside in the Southern part of the United States" or perhaps in Africa or New Guinea. An effort to carry into effect some program of expropriating the South might afford a very interesting test of the indestructibility of the Union. Certainly Southerners would be apt to put the worst interpretation on Professor McDougall's confession in the preface: "On one side I come

of Puritan ancestors, and since boyhood I have felt, that but for the accident that I was born three centuries too late, my natural place in the world would have been in the neighborhood of Plymouth Rock."

For the rest, in spite of his graceful apology for venturing, a foreigner, to write of American nationality, Professor McDougall may claim to pass a sufficiently high test to satisfy the Ku Klux Klan—from whom he professedly differs chiefly in the possession of a sense of humor. But Americans have been often enough written about by foreigners, with great profit to themselves, to accept an Englishman's views with gratitude, if not with conviction. It is only when the *Indestructible Union* leans too heavily upon excerpts from ex-ambassador Child's editorials extraordinary in the *Saturday Evening Post* that our urbanity is apt to be sorely tried.

Little more need be said about Mr. Rockow's book than that it is, apparently, a thesis of some distinction, with the virtue of being a useful and fairly exhaustive catalogue of representative English political writers, including dramatists and novelists. The criticism incidental to an interesting exposition of their theories is able and valuable, although it is possible to differ sharply with the author in his values and emphasis, in the exposition of many of his protagonists as well as his critique of them. There are some remarkable omissions, no doubt dictated by the curious method of selecting two figures from each general type of theory. The selection of Jones and Watson as the representatives of Idealism is defended on the doubtful grounds that they are more truly contemporary than Bosanquet and Bradley—a conclusion hard to defend either on dates of demise or on contemporary influence. And any method that must include thirty pages or more on the egregious Pauls, in order to find two spokesmen for communism, with hardly a mention of theorists like Ernest Barker and A. D. Lindsay (who are not so easily pigeon-holed as spokesmen for modern Liberalism) is certainly Procrustean in its selection and emphasis. The aristocratic tradition of English letters has not so entirely disappeared that the entire field of periodical literature may be overlooked in favor of books alone. Here, or elsewhere, the limitations of the views held by the group of London economists and sociologists so gratefully named in the preface appear in Mr. Rockow's estimate.

But in spite of these defects, which to many will perhaps appear to be virtues, Mr. Rockow's book is sure to prove very useful to students of contemporary theory. Its bibliography, though neither exhaustive

nor happily arranged, covers the main ground thoroughly and well.

W. Y. ELLIOTT.

University of California.

A Grammar of Politics. By HAROLD J. LASKI. (New Haven: Yale University Press. 1925. Pp. 672.)

This book is a treatise on the theory and organization of the state. It is also one of the infinite series of books which attempt to show that the English constitution, in spite of its faults, is the best constitution that ever existed. Mr. Laski has often, and justly, been called "radical." In this volume he is radical in his economic views, but rather conservative politically. In his preface Mr. Laski says "this volume completes an effort . . . to construct a theory of the place of the State in the great society." As a matter of fact, the faults of the book come from the fact that Mr. Laski seems to think he has discovered something new in political theory, and the virtues of the book come from the fact that he has been for a dozen years a careful and thoughtful observer of English government and politics. There are also many evidences that he was for some time a close, if unfriendly, observer of American institutions.

The book is divided into two parts. The first is a discussion of political first principles. Mr. Laski's fundamental philosophy is an eclectic utilitarianism. He believes the happiness of the individual is the end of social organization. He does not believe that the individual is the best judge of the means of his own happiness. Therefore, the state must be very active. Yet the state, naturally prone to serve the ends of the governors rather than of the governed, must be checked by a system of "rights." Rights are "those conditions of social life without which no man can seek, in general, to be himself at his best." They include the political and legal rights which usually characterize modern democracies, and such economic rights as the right to work. The means of securing these rights from encroachment on the part of the state is in the last analysis through the right of revolution, though Mr. Laski expects a continuous check on the state through the moral influence of associations of citizens.

The second part of the book contains Mr. Laski's suggestions as to the correct way of organizing governments. Here the author is not only much easier to follow, but much more stimulating. He discusses all the actual problems of governmental organization. He gives the

arguments for the various solutions without apparent prejudice; his conclusions are reasonable, and often very conservative. He defends, for instance, legislatures elected on a geographical basis, single-member constituencies, the English cabinet system. His most radical suggestions are a single-chamber parliament, and "devolution." He emphasizes international organization. On economic questions he is more radical; he holds the "functional" conception of property, and he believes in thorough-going governmental control of industry. Mr. Laski's own suggestions, indeed, are about what one would expect from a thoughtful member of the center of the English Labor Party: they are what we vaguely term socialistic, meaning egalitarian, rather bureaucratic, and lacking in respect for vested interests.

Mr. Laski's discussions of practical questions are excellent. Nowhere can be found a more nearly complete or more reasonable discussion of such questions as freedom of speech, or second chambers, or a more interesting discussion of "the judicial process."

The book has grave faults. It is diffuse in the extreme, and there is endless repetition. Part one is hard reading, and the whole volume is marked by Mr. Laski's too great facility of expression. But the book has virtues which far outweigh its faults. It is suggestive, stimulating, alive. Though it is not strikingly original, it is unquestionably a very important work.

E. P. CHASE.

Wesleyan University.

The Phantom Public. By WALTER LIPPMAN. (New York: Harcourt, Brace and Company. 1925. Pp. 205.)

Most writing that appears under the name of political theory might better be called political literature. Certainly it is not theory in any scientific sense, for a true political theory is a generalization that accurately explains the facts of political behavior. Unfortunately, most so-called political theory consists either in retroactive rationalization in defense of official actions, or political dogmas, or pure speculation for the joy of the game, or propaganda in behalf of specific proposals. It seems to derive its influence from the lure of the literary form in which it is expressed, from the splendid emotional ideals in which it is conceived, from the occasional flashes of intimate insight into human nature it evidences, or from the intriguing ingenuity displayed in its formulation.

The present volume is excellent literature. It is iconoclastic rather than in support of established dogma. While it does not contain scientific generalizations based upon objective evidence, it does suggest interesting and plausible hypotheses, in explanation of the democratic process. It is intriguing in its ingenuity, and realistic in its approach.

The author's thesis is that the infinite number of intricate problems that daily require solution involve matters that are never within the horizon of popular consciousness or interest. The idea, then, that the public does or could rule directly is a myth. Many straw-men are ruthlessly trampled down in making this point. The omnipotence of majorities, the conception of the voice of the people as the voice of God, and similar relics of political romanticism are thrown overboard. "The justification of majority rule in politics is not to be found in its ethical superiority. It is to be found in the sheer necessity of finding a place in civilized society for the force which resides in the weight of numbers." (p. 58.)

The author rightly believes that the first step in improving government is to recognize what the public can and cannot do and then to find simple objective tests, within the range of popular interest and capacity, by which the public may judge the government with intelligence, though in ignorance. Mr. Lippmann would cut his pattern to fit his cloth. He would create a rôle for the public so simple and objective that the public could play the part. He sees the business of government as the process of establishing and maintaining an effective *modus vivendi* between the various conflicting interests of modern society, a notion closely akin to the governmental conceptions of Duguit. As long as this is done, the public has no interest. When existing adjustments fail, the public is interested and then only should it intervene. At all other times the government should be, and is in fact, run by officers and politicians and not by the public.

A strong case is made that executive action, the intrinsic merits of public questions, and technical matters of method, are not suitable for public decision. "What is left for the public is a judgment as to whether the actors in the controversy are following a settled rule of behavior or their own arbitrary desires. This judgment must be made by sampling an external aspect of the behavior of the insiders." (pp. 44-45). Simple criteria must be discovered by which the public can distinguish between reasonable and arbitrary conduct. "It is the task of the political scientist to devise the methods of sampling and to define the criteria of judgment. It is the task of civic education in a democ-

racy to train the public in the use of these methods. It is the task of those who build institutions to take them into account." (p. 145).

In suggesting simple tests within the capacity of the public to apply, the author has been ingenious. The willingness of partisans to submit a controversy to inquiry or debate, popular assent and conformity to a given rule as evidence of its utility, a proposed reform's provisions for its own clarification and due process for its amendment, have been suggested as useful criteria that the public may use in reaching its judgments. But in the last analysis, it is the choice between the "outs" and the "ins" that "is the essence of popular government."

Throughout, the author has made a brilliant and telling attack upon the personification of society and has pointed out that centralization, one of its offspring, necessarily reduces and complicates the rôle of the public in the control of government. The chief value of the volume lies in its suggestiveness and in its realistic point of view. It opens up alluring vistas of political analysis and research. At least two major projects are suggested: (1) How may the processes and structure of government be so modified that the public's rôle in regard thereto will be reduced to a point commensurate with the public's interest and capacity? (2) How may there be formulated simple and objective tests for determining the social value of a policy or an administration and how may the validity of such tests be determined by the facts of experience?

ARNOLD BENNETT HALL.

University of Wisconsin.

New Aspects of Politics. By CHARLES E. MERRIAM. (Chicago: The University of Chicago Press. 1925. Pp. xvi, 253.)

This book consists of eight chapters, the greater part of its material having been published elsewhere as separate essays. Because of this fact, the unity of the book is in its point of view rather than in the topics with which it deals. The chief interest of the author is in improving the methods of political research and of political reasoning. Modern students of political theory realize that their science has been hindered by the survival of outgrown doctrines, has been influenced too greatly by custom, fear, and force, and has not kept abreast of recent advance in other fields. Professor Merriam urges "the perfection of political education, the organization of political intelligence, the advancement of political research, and the discovery of scientific relations in the political process."

The first chapter points out the important contributions to political science made during the past half-century by history, economics, statistics, psychology, biology, anthropology, geography, and engineering. The second chapter is a condensed survey of the methods of inquiry in political thought, and a statement of the fundamental difficulties in applying scientific methods to the study of political processes. The following two chapters discuss the relation of politics to psychology and to statistics, two fields of especial interest and promise at the present time. The next chapter deals with the biological background of politics, and considers the political influence of inheritance and environment. The remainder of the book urges an accurate assembling of facts as the basis for further progress in politics, suggests a number of concrete problems that need investigation, and proposes methods by which these problems may be approached.

This book should be widely read by students of government. In a democracy in which public opinion is supposed to shape governmental policy, it is essential that a public opinion, in the sense of rational judgments based on extensive and accurate information, should exist. There is also need for trained leadership and expert administration. Professor Merriam is doing valuable work in insisting upon these points. He realizes that political ideas cannot be evolved from the inner consciousness of closet philosophers, but must be derived from actual facts and from existing conditions and needs. Under the complex conditions of modern life, especially in our great cities, the need for organization of scientific research in government is especially great. As the author says, "Jungle politics and laboratory science are incompatible," and he has faith that the intelligence of mankind can be applied in solving the problems of human relationships as well as in mastering the world of natural phenomena.

RAYMOND G. GETTELL.

University of California.

The Public Life. By J. A. SPENDER. (New York: Frederick A. Stokes Company. 1925. Two volumes. Pp. 236; 232.)

The author of these two volumes has already established his reputation as one of the ablest of present-day critics of English political institutions. In this brilliant study he essays the much more difficult rôle of political psychologist and philosopher. "The general scheme of this book is to trace the streams of politics which from the eighteenth

century onwards have converged upon the House of Commons and make it the center of the British public life; to take certain individuals who seem to have been typical children of their time and examine their methods in and out of parliament; to contrast with these the methods of certain public men in other countries and especially the United States; and then to choose certain aspects and problems of the present-day public life and consider those separately. Among these problems I have included that of the press."

From his examination of the character and methods of some of the leading English statesmen of the last century, the author comes to the conclusion that the qualities of leadership are distinctive in each individual and cannot be standardized. The public, on the whole, has been singularly just and broadminded in its choice of political leaders. "The virtues and the talents will always be assured a respective salute from it, but its affection and loyalty are only to be won by some flavor and quality beyond talent and virtue." To this general conclusion there should be added one further observation of the highest moral and political significance. "It is almost an axiom of British public life that no one rises to the highest position unless at one time or another he has stood firm against the prevailing opinion and staked his reputation on what appeared to be a failing cause." The author's treatment of the political leaders of the United States is much less satisfactory. He makes many keen criticisms of American public life and political institutions, but it is evident that he is not familiar with the divergent social and economic conditions of this country which play so large a part in the political life of the nation.

His chapters on the practical problems of government and democracy are most suggestive, particularly in respect to the effect of the three-party system on the future of the Liberal party, and the difficulties of the British Foreign Office in dealing with the entangling alliances of European diplomacy.

But the author's most brilliant qualities are reflected in his discussions of the press and its relation to public life. Here he speaks as one having authority out of the richness of his own experience. He is exceedingly critical of "the mass" direction of public opinion through the concentration of the powers in the hands of a few newspaper proprietors. He is still more critical of the recent alliances between newspaper publishers and public men, even though such alliances are likely to be perilous and short-lived, so far at least as the politicians are concerned. But it is in the field of foreign affairs that he finds the position of a

newspaper editor most difficult and delicate, inasmuch as he is "addressing two or more audiences which may draw widely different conclusions from the same argument and some of these conclusions may be entirely different from what he intends." There can be, in his judgment, no cut and dried solution of the problem, nor will the experience of one case lend much assistance in the settlement of the next. The safest course for the journalist in such circumstances is to go on his own way independent of official pressure or public opinion, or the recriminations of the foreign press. But the chief hope must rest upon the development of a sense of moral responsibility on the part of the press itself toward the millions whom it serves.

In the last few chapters the author sets forth his own political philosophy with reference to the relation of ethics to politics, of capital to labor, and to the right and theory of revolution. His political views reveal an interesting adaptation of the concepts of the English idealistic school to the scientific spirit of our own day. He is no longer content to base his liberal principles upon the dogmatic formulas of mid-Victorian radicalism but insists that all so-called principles of politics must be based upon and tested by careful investigation. This viewpoint finds admirable expression in his discussion of the economic functions of the state. "The state being the guardian of the institution of property cannot fulfill its trust if it is indifferent to the results of its own action, or is content to drift without knowledge into a position in which large numbers of its citizens consider themselves outside the pale of a privileged system and cut off from the conditions of free life. To have accurate knowledge of economic facts and to be aiming all the time at a division of labor which shall give priority to the necessities of life must be the line of safety for governments as for citizens." To this end he suggests the creation of a competent economic general staff of a nonpartisan character which would be charged with the function of preparing reports on the moral and material progress of the country for the information of the government and its critics.

This work, we may then conclude, reveals a significant change in the attitude of English liberalism. The political theories of the Utilitarian school are discarded but the moral idealism of the mid-Victorian reformers is still strongly in evidence. Moreover, a few of the outstanding thinkers of the party have at last come to realize that an effort must be made to reëstablish its principles on a more scientific basis by the study of psychological and statistical data and the critical observation of the workings of legislative and administrative organizations.

University of Minnesota. C. D. ALLIN.

The Foreign Policy of Canning, 1822-1827. England, The Neo-Holy Alliance and the New World. By HAROLD TEMPERLEY. (London: George Bell and Sons. 1925. Pp. xxiv, 636.)

The Foreign Policy of Castlereagh. 1815-1822. Britain and the European Alliance. By C. K. WEBSTER. (London: George Bell and Sons. 1925. Pp. xiv, 598.)

In these two large and handsome volumes by acknowledged authorities we have at last a full, if not a final, account of the two great statesmen whose policies and whose rivalries dominated the years following the great war against Napoleon. It is peculiarly appropriate that they should appear at this time. If the problems which have confronted Europe during the past six years have not been precisely those which engaged the talents of statesmen in the corresponding period which succeeded the Congress of Vienna, there is, at least, much in that earlier effort to settle European problems which is of interest and importance now. Statesmen as well as historians have reason to be grateful to these scholars for their clear and full account of those English premiers who dominated the foreign policy of their country, and it might even be that from them some lessons can be pondered by their most recent successors with profit.

The writing of diplomatic history is a peculiarly arduous task. Beside the masses of material, which Morley describes as the mountain which he had to level to write his life of Gladstone, may well be set the no less appalling pile of documents which these authors have been compelled to work through, some hundreds of thousands in all. Of them some of the most important have been embodied in the appendices to these volumes, to their great enrichment.

And what of the conclusions of the authors as to that question which has agitated historians for a century? Were Canning and Castlereagh the representatives of two different schools of thought and action, as they appeared to their contemporaries, or were they merely different exponents of virtually the same general policy? If there is one lesson which seems to stand out more clearly than another in these pages it is that of the difference between a diplomat and a statesman which Professor Webster so wisely draws in summing up the character and career of Castlereagh. That he was a great diplomat no one can doubt, "courageous, laborious . . . amongst the foremost of his age," of the highest technical skill in his craft, achieving his purposes until his death with the greatest success. But was the policy wise or permanent, even

with the limited permanence granted to policies? Was it reversed by Canning, as the latter's admirers believed? Was the Castlereagh system better or more enduring than the Metternich system?

To those questions these authors give, naturally, a somewhat qualified answer—indeed it is an answer which each one must make for himself on the basis of the evidence which they adduce. "Castlereagh excelled in the handling of men," was supreme in adroit and tactful execution; Canning in "the intellectual conception of policies." Each feared democracy, but Canning less than Castlereagh. The one achieved his results by more reliance on peoples, the other on rulers. Castlereagh "failed to appreciate the fact that nationality and self-government were the master forces of the nineteenth century." Canning was "in a sense the champion of a national independence." In a sense, too, each was, in consequence, both right and wrong. The one rested his influence upon his personal relations with those in whose hands lay the direction of European states; the other rested his on public opinion. If we judge them by the standards which seem to prevail at the present moment, Canning seems likely to be awarded the palm; but there is still much to be said for his great rival. "There will," in the words of Mr. Temperley, "always be some who will think Castlereagh superior to his great successor in character, in diplomatic method, and in achievement. There will be others to whom Canning will remain as the supreme type of a diplomat who made foreign policy popular without ceasing to make it effective . . . . Without Castlereagh the world might not have been saved, and without Canning it might not have been freed."

WILBUR C. ABBOTT.

Harvard University.

International Relations. By RAYMOND LESLIE BUELL. (New York: Henry Holt and Co. 1925. Pp. xiii, 768.)

The science of international law has been justly criticized in recent years for its failure to take into account the social and economic forces which determine the relations of states outside the sphere of accepted rules of conduct. Little attempt has been made by writers to do more than expound a system of positive law, devoid of criticism and indifferent to any other issue than the facts by which the existence of the rule in question is ascertained. The historians and the political scientists have long since shown us the way by an interpretation of their subject which takes into account, not merely the external organization of

government and the mechanism of administration, but the material and moral influences which ultimately control the policy of the state. The international lawyers have only just begun to see the necessity of pursuing similar investigations.

In the volume before us Professor Buell enters a portion of this hitherto neglected field and undertakes for us a study of those branches of international relations which lie outside the domain of international law in its strict sense. The opening chapters of the volume deal with the fundamental problems of nationalism and internationalism. What are the elements entering into the sentiment of nationality, how far is self-determination a workable principle under practical conditions, what are the economic forces that tend to isolate nations and which are those that make for internationalism? How have federations of nations been worked out in the past, and what practical coöperation for humane purposes is being carried out at present?

The investigation of these questions leads to a second group of chapters devoted to Problems of Imperialism, which the author restricts to the field of international relations in which the great powers have been engaged in securing control over the backward parts of the world, with the hope of controlling the economic destiny of those peoples for purposes of what is popularly called "exploitation." Following an excellent study of the "Policy of Trusteeship" and its relation to the mandate system, the author takes up the difficult questions involved in the financial control of backward states, points out the dangers of this type of control and the ineffectiveness of "open door" agreements, and shows the necessity and desirability of international as opposed to national control.

A third group of chapters deals with the settlement of international disputes, and surveys the old order of alliances and counter-alliances, and the new order of security agreements, world courts, the Protocol of 1924, international conferences and the League of Nations. The analysis is an unusually good one, but the reviewer would take exception to any suggestion that these questions lie outside the field of international law proper. For in so far as the problem of the collective responsibility of all nations for the protection of each is concerned, or the problem of judicial procedure for the settlement of disputes, or the problem of international legislation by general conventions, it would seem that "international law" is very directly involved. This, however, is little more than to say that where international law is in the making there is no clear line of separation between it and "international relations."

Professor Buell is to be congratulated on having produced a volume which must be of the greatest service to the growing number of instructors who are giving courses in international relations and foreign policy. Particularly commendable is the very readable style in which the volume is written. Without sacrifice of scholarly accuracy and careful detail, the author has given to his study of international relations a graphic character which must stimulate the interest of the student and make its appeal to the larger circle of those who have come to see the vital concern of the United States in the task of introducing some measure of law and order into the present conflict of international policies. Whether taken by itself or as supplementary to courses on international law proper, the volume meets a very real need.

C. G. FENWICK.

Bryn Mawr College.

The Socialist Movement. By ARTHUR SHADWELL. (London: Philip Allan and Co. 1925. Two volumes. Pp. 212; 217.)

State Experiments in Australia and New Zealand. By W. PEMBER REEVES. (New York: E. P. Dutton and Co. 1925. Two volumes. Pp. 391; 367.)

These two books complement each other on the theory and practice of socialism and state intervention.

Dr. Shadwell's volumes describe the history of modern socialism, which the author divides into three phases: namely, from 1824 to 1848; from 1848 to the outbreak of the World War; and from 1914 to the present-day. The first was characterized in both England and France by an emphasis upon the voluntary coöperation of individuals and classes to obtain the new social order and by a desire for the reconciliation of all classes. The second phase was, of course, that in which the economic and political ideas of Karl Marx obtained increasing dominance over the socialist movement. Dr. Shadwell denies originality to Marx, and follows Anton Menger in ascribing the origin of his labor theory of value to Thompson and to the other Ricardian socialists. He next utilizes the analyses of the Marxian theory which have been made by Böhm-Bawerk and Joseph to show the hopeless logical tangle in which the labor theory of value is involved. Dr. Shadwell then declares that the doctrine of the inevitable collapse of capitalistic society (which is indeed the core of Marxian theory) is only an adaptation of Sismondi's analysis of the results of the factory system.

The third phase is characterized by the attempts to put the theories of Marx into practical effect. Here Dr. Shadwell devotes by far the major part of his attention to the theory and practice of Bolshevism and it is here also that his treatment becomes somewhat shrill and undiscriminating. He correctly observes that the Bolshevists in effect say: "My war and my revolution and my violence are all right," and concludes that "what is sauce for the goose is not sauce for the gander—the end justifies the means but only their end and because it is theirs." He seems, however, to be oblivious to the fact that the dominant classes in our national states hold essentially the same doctrine in their belief (to which the author evidently subscribes) that states can and should use violence to achieve their ends. It is, therefore, perhaps understandable why Trotsky should be skeptical of the pacifistic principles of the great powers after their conduct in the European war, their blockade of Russia, and the financing and equipping by them of the invading armies of Kolchak, Yudinitch, Wrangel, and Denikin. Yet Dr. Shadwell either does not mention these features in the allied policy toward Russia, or glosses them over with a phrase.

Dr. Shadwell does indeed show the essential failure, before the war, of the socialist movement to take the necessary steps for preventing war either by refusing to fight or by striking internationally. He caustically remarks that "at the touch of reality, the proletariat and the socialists alike forgot all about class and were conscious only of country." There is evidence enough in Dr. Shadwell's book, however, that he would have condemned them even more strongly had they remained true internationalists, for he labels the British Independent Labor Party and the Union for Democratic Control as pro-German and denounces the proposal for a Stockholm conference in 1917 as a purely German move.

Dr. Shadwell's remedy for the evils of the day is a change of heart on the part of men and women. But this must be an individual affair, for "when did an act of Parliament ever change anybody's heart?" "The ideal Christian community," the author goes on, "rests entirely on the voluntary principle; it presupposes the right spirit and the Christian doctrine seeks to create that spirit by the moral law without any regard to external circumstances." This principle of Christian anarchism is indeed lofty and is at present realized by some persons. It is doubtful, however, if any considerable proportion of the community will be able to attain the good life subjectively unless certain objective conditions, such as poverty and the lack of economic independence, are removed. Collective action is, of course, necessary to effect this, but

Dr. Shadwell would tend to denounce such action as socialistic because it was applied from without. All in all, Dr. Shadwell seems to have fallen into the delusion, which is so common among people of the comfortable classes whose basic wants are satisfied, that external circumstances do not matter.

Mr. Reeves' book, which was written some years ago, but which now finds its way more extensively into this country through a reprinting, confines itselt to a narrower compass. It tells the story of the social experiments which were made under governmental auspices in New Zealand and Australia during the twenty years that preceded the granting of woman's suffrage by the commonwealth in 1902. During this stirring period, Mr. Reeves was a participant in the events which he describes. As the author of the original New Zealand act for compulsory arbitration, his account of this feature is particularly interesting, as is indeed his entire discussion of labor problems in the two commonwealths. His chapter on the land question is particularly valuable in that it is probably the best short statement of the Australian policy during the period which the book covers. Sharing the antipathies of many labor sympathizers in Australasia, Mr. Reeves is a militant defender of the policy of a "white Australia," and, conveniently for himself, has a firm belief in the innate inferiority of the yellow races.

There is a real need for a further study which will supplement this work of Mr. Reeves by chronicling in an equally systematic way the developments in these two countries during the last twenty years in the line of social control.

PAUL H. DOUGLAS.

University of Chicago.

The Relation of Government to Industry. By MARK L. REQUA. (New York: The Macmillan Company. 1925. Pp. xi, 241.)

Mr. Requa's volume is intended for the general reader rather than the political scientist, yet it has a wealth of material that will be of interest to the latter also.

In his foreword, the author, who has been mining engineer, railway executive, consultant, farmer, and public official, states that he seeks to show the dangers of paternalism and of government ownership and operation. He carries this out by a brief historical sketch showing the extent and the results of state interference and paternalism, followed by an analysis of present conditions. In Rome and Byzantium, later in Venice, in England of the 13th century, in pre-revolutionary France, in

colonial Spain and in more modern times, all types of paternalism have failed in their objectives. From the Edict of Diocletian, fixing the prices of both commodities and services, down to the efforts of Filipino politicians to use the government bank and the Insular administration for private business ends, all such legislation has paralyzed the spirit of independence, enterprise and individual effort. The greater the scale on which this is tried, the greater the failure, as is shown by the Bolshevist experiment in Russia.

The growing density of population and the gradual passage from an agricultural to an industrial civilization will require more public supervision in matters of health, transportation, safety and the effective use of common resources. A purely doctrinaire policy of individualism is not defended by the author.

Toward transportation, our policy should be a further development of the principles laid down in the Transportation Act of 1920. We should emphasize less the limits imposed on the carriers and more the development of adequate facilities. We should assure a fair revenue to the railways and not concentrate our attention upon limiting their rates and their combinations for greater efficiency. Our policy should be positive and promotive as well as negative. In shipping, strangely enough, the author favors a subsidy, although he rejects government aid in almost every other department of industry and commerce except farming. It is difficult to reconcile the author's political philosophy with a ship subsidy.

As to the farmer's relation to government, Mr. Requa favors an extension of the credit system, by which the government would help settlers to locate on unimproved, irrigable lands. He points to the success of the Australian plan of 1911 and commends the policy of the California Land Act of 1917, but adds that the latter has been undermined and rendered ineffective by politics. If it should prove impossible to operate such a system without political interference, the author would favor large-scale private systems of coöperation for purposes of land settlement and irrigation.

Regarding the relations of the worker to government, the best results have been secured from voluntary agreements between employer and workers. The systems of employee representation which have been developed in so many different details, but upon one basic principle of conference, the author holds to be satisfactory and, in the main, adequate. He looks forward to a harmonizing of interests in employment questions not by government action but by the gradual evolution of

mutual confidence through conference. In this his philosophy is much like that of the late Samuel Gompers and the leaders of the Civic Federation.

Whether in health, transportation, public utilities regulation or other forms of government action, we need much more expert service and much less "government by voting." This is a conclusion with which most of his readers will heartily agree.

Mr. Requa has left untouched one of the most extensive and difficult fields of regulation, namely, distribution and trade practices. Some of our strongest efforts are now being put forth here and the light of research is especially needed. Nor does the book touch on the various efforts of government to provide safety and health for the people. The many recent attempts to regulate by means of taxation are also unnoticed. The author's main thesis, "the less government the better," is a familiar and popular one and he develops it in an interesting and attractive way. The book will serve as a good reading reference for government classes, also for the general reader and debater. Side by side with it, there should be placed in the library a brief for government regulation, in which some of the favorable influences and results of social control might be set forth.

The author's style is interesting and readable, his sincerity is apparent, and his desire to render both our government and our productive processes more effective is indicated on every page.

JAMES T. YOUNG.

University of Pennsylvania.

The Statistical Work of the National Government. By LAURENCE F. SCHMECKEBIER. The Institute for Government Research, Studies in Administration. (Baltimore: The Johns Hopkins Press. 1925. Pp. xvi, 574.)

The volume is a complete and much needed handbook of reference for the statistical material made available by the national government, of which the more important categories are population in its general and special aspects; vital statistics; wages and hours of labor; agricultural, mining, and manufacturing activity; domestic and foreign trade and transportation; prices; public finance, banking, and national income, as well as selected data for foreign countries.

The book is designed "to make known what the national government has done and is doing in the way of collecting and publishing information

of a statistical character." It is purposely a statement of fact without critical comment, except where specific observations on methods and scope are included to show the extent to which the data described are subject to limitations with respect to completeness, accuracy, or legitimacy of use for certain purposes. For the most part, such critical observations are directly derived from those which appear in the publications containing the data.

The main classification of the material discussed is by topics, with sufficient cross-references in those cases where the topical segregation has to be somewhat arbitrary, and with sub-classification made by collecting agencies or publications where several of them deal with the same topical material. This arrangement facilitates the location of information on any specific topic.

Under this method of topical classification, it is not so easy to ascertain the complete range of topics included in any one publication or covered by any one agency of the government. An early chapter does mention briefly the essential character of information included in the general summaries periodically published, such as Crops and Markets, Monthly Labor Review, Commerce Yearbook, etc., but a more complete descriptive summary of data to be found in the particular publications would probably increase somewhat the general value of the work. As one purpose of the book, according to the preface, is to provide the facts for a critical analysis of the organization of the statistical work of the government, the omission of any connected survey or summary of the ground covered by each department or bureau is, from the point of view of this purpose, unfortunate, although it does not destroy the usefulness of the volume.

C. H. WHELDEN, JR.

Yale University.

The Life and Letters of James Abram Garfield. By THEODORE CLARKE SMITH. (New Haven: Yale University Press. 1925. Two volumes. Pp. ix, 1-650; 651-1281.)

What Professor McElroy of Princeton University did for Cleveland, Professor Smith of Williams College has now done for Garfield. He has given us a sufficient and final presentation of the man whom he has undertaken to study.

We are presented in these two finely printed volumes with a full and authoritative *Life of Garfield*, in which Garfield reveals himself. Here are his own words and spirit, in a suitably developing sequence, through

his letters, speeches, journals, reports, and reminiscences. Here the inner life of the man is set forth by his commentaries upon himself. We meet here the problems and quandaries that confronted him in his early life as well as during his long public service.

Garfield lived during a period of strife, self-seeking, trickery, and unblushing bossism in American politics. He may be said to have witnessed the nadir of American political corruption. Parties were existing, as Mr. Bryce says, because they had existed; the mill was still turning but there was no grist to grind. Men were out for spoils. Men still living who remember those days can confirm what these volumes fairly portray, that the figure of James A. Garfield rose well above the mists in the valley of humiliation, displaying in an unusual degree traits that were high-minded, generous, and public-spirited.

No man ever left more ample biographical material. There are letters, journals, official papers, military reports, on nearly every aspect of Garfield's life. But his is not a family biography, subsidized for the honor of its subject. The Garfield family papers, upon which the volumes were largely built, were put into the hands of the author with the clear understanding that the results were to be arrived at purely on the basis of historical criticism and truthfulness. Professor Smith has been true to the standards and has set forth a full, plain, unvarnished tale.

Professor Smith sets forth fully the evidence on the controversial phases of Garfield's life for which he was held up to public criticism and denunciation,—his conduct toward General Rosecrans while he was Rosecrans' chief of staff, his relation to the "salary grab" and the "credit mobilier," and to Sherman and the presidential nomination in 1880.

Garfield was charged with betraying Rosecrans and causing his removal after Chickamauga by a letter to Chase. Garfield maintained silence for years for Rosecrans' sake. The full record is here. That Garfield was a faithful friend, and that Rosecrans acted rather stupidly, showing weakness and vanity, seem well sustained by the evidence.

As to the "salary grab," it is clear that Garfield opposed it in the House committee and in the conference committee, but that, when over-ruled, he signed the conference report and as chairman of the appropriations committee supported the appropriation bill in the House with the "grab" attached. This he felt to be his duty since he was responsible for getting the appropriations through and avoiding an extra session. He then refrained from defending himself for fear of reflecting upon his colleagues who thought that their votes for a higher salary were justified.

As to the "credit mobilier," the full story is told. The biographer reveals some tactless blunders on Garfield's part, in borrowing money from Oakes Ames and in his silence under Ames' reversal of his first testimony,—a blunder that reacted against him to the end of his days and has passed into history. Unfortunately for Garfield, the investigating committee of Congress having heard both Ames and Garfield adopted Ames' version. Professor Smith presents the unfavorable judgment of others, including the representations of Garfield's political enemies and the bitter attacks of Dana of the *New York Sun*. On the whole, Garfield comes out with temporary injury to his reputation but with nothing worse than mistaken confidence and errors of judgment resting against him.

Garfield as a lawyer; as a parliamentary leader; as a public man; the kind of a man he was in the opinion of the men who knew him best; as a writer; as a compromiser and conciliator; his conservatism, as shown in his indisposition to accept new "movements" and "reforms," such as woman's suffrage and prohibition: his judicial temperament; his open mindedness as a thinker; his services to education, at Hiram, at Hampton, at Williams, and toward the bureau of education; as a man among his family and friends; as a candidate for president; his cabinet-making; his final contest with Conkling; and the tragedy of his death,—all these themes are presented by the biographer with fullness of interest and enlightenment.

The volumes are a useful source for the historical reader. In interest, in fairness, in fullness of information, the chapters on Garfield's nomination for the presidency and his feud with Conkling leave nothing to be desired. The contemporary political leaders—Blaine, Conkling, Butler, Morton, Sherman, Allison, and others—and their contributions to the politics of the time, are judicially estimated and vividly presented.

We see in this important *Life* a figure of first-rate importance in his time, and here is a biography well worthy of its theme. It is by such a work as this that popular interest, as well as scholarship in American history, are served.

J. A. WOODBURN.

Indiana University.

Jefferson and Hamilton. By CLAUDE G. BOWERS. (Boston: Houghton, Mifflin Company. 1925. Pp. 531.)

"Historians who write in aristocratic ages," according to de Tocqueville, "are wont to refer all occurrences to the particular will and char-

acter of certain individuals. . . . When the historian of aristocratic ages surveys the theater of the world, he at once perceives a very small number of prominent actors, who manage the piece. These great personages, who occupy the front of the stage, arrest attention, and fix it on themselves; and whilst the historian is bent on penetrating the secret motives which make these persons speak and act, the others escape his memory." On the other hand, historians who live in democratic ages, according to de Tocqueville, exhibit precisely opposite characteristics. They ascribe everything to "great general causes." "Most of them attribute hardly any influence to the individual over the destiny of the race."

Mr. Bowers is an admirable specimen of the aristocratic historian. Readers of his *Party Battles of the Jackson Period* will know what to expect in his latest production, and they will not be disappointed. His *Jefferson and Hamilton* is a masterly study of the influence of personality in politics. The analyses of the leading characters, especially those who play the title rôles, are done with consummate art. To the general reader, who has been surfeited in recent years with the one-sided productions of Hamiltonian hero-worshippers, Mr. Bowers, who is more partial to Jefferson, will seem delightfully fresh and stimulating. To the student of political science, who, though devoted to statistics and "great general causes," as befits a democratic age, appreciates the importance of personality in politics, this intimate account of the long struggle for supremacy between Jefferson and Hamilton furnishes a wealth of materials.

But the flippant critic, if one such were to appear, would surely inquire: Who is this fellow, Washington, of whom the author from time to time makes casual mention? At the very beginning of the book Mr. Bowers portrays him as he appeared at state dinners, "cold, serious to melancholy, silent," and tells, on the authority of Maclay, how he sat after dinner and "played on the table with a knife and fork like a drum stick." And there Mr. Bowers leaves him at the end of chapter one. We suspect that George Washington played on more important things than tables and used more powerful instruments than knives and forks. Perhaps it is an ineradicable defect of the aristocratic method of writing history that there is room for only a few leading characters in a single volume. If so, we must hope that Mr. Bowers will turn his rare talents to the task of giving us another volume, in which the unique personality of Washington, now in danger of fading into obscurity

will be restored to its proper place among the *dramatis personae* of our heroic age.

A. N. HOLCOMBE.

Harvard University.

British Politics in Transition. By EDWARD MCCHESNEY SAIT and DAVID P. BARROWS. (Yonkers-on-Hudson: World Book Co. 1925. Pp. xvi, 319.)

This book is offered as an aid to the study of politics by the case-method. It consists of "readings" on British government and parties, selected to a slight extent from parliamentary debates and other official documents, but mainly from newspapers such as the *London Times* and the *Manchester Weekly Guardian*, and even from biographies and other well-known books. The extracts are grouped under eight main heads, as follows: the monarch, the cabinet, the civil service, the electorate, the House of Commons, the House of Lords, party, and home rule and devolution.

Introductory statements by the authors, although suggestive, consume but little space; so that obviously the value of the book depends upon the wisdom shown in selecting the source-materials and upon the extent to which the collection can be turned to account by students and by miscellaneous inquirers.

On the first score, it may be said that, while probably no two people would find themselves in complete agreement on what should go into a volume of this kind, selection has been made in such a way as to cover a surprisingly long list of significant features of British government and politics without falling into the choppiness which is the besetting sin of source-books. It is naturally the dynamic rather than the more static parts of the constitution and the political system that are treated chiefly; and of these there are few that do not find exposition or illustration in some illuminating passage. Incidentally, users of the book will be brought into touch with most of the important current media of information and opinion on British public affairs.

How well the second test will be met, *i.e.*, the practical usefulness of the book, especially in the college courses for which it was prepared, remains to be seen. Though less in vogue than fifteen years ago, source-books are used; it is possible to get college students to understand that first-hand materials are legitimate parts of their assignments equally with the text-book. The reviewer can see no reason why the maturer

students who commonly study foreign governments should not find the present volume a highly convenient and useful resource. In getting "readings" actually used, however, even mechanical features count; hence it is to be regretted that the book was not set in larger type.

FREDERIC A. OGG.

University of Wisconsin.

The Government of China (1644-1911.) By PAO CHAO HSIEH. Johns Hopkins University Studies in Historical and Political Science; New Series, No. 3. (Baltimore: The Johns Hopkins Press. 1925. Pp. 414.)

China's New Nationalism and Other Essays. By HARLEY FARNSWORTH MACNAIR. (Shanghai: The Commercial Press, Ltd. 1925. Pp. 398.)

Mr. Hsieh presents the results of a study of the government of China under the Manchus. His first task he took to be an analysis of the government, a catalogue of its institutions and departments, and an examination of the relations among these institutions and departments; in short, the preparation of a sort of handbook to the government of China under the Ch'ing dynasty. Mr. Hsieh has done this part of his work well. But he goes beyond this task of analysis to a study of the tendencies in government under the Manchus. In doing so he enters upon a more difficult task and it is not surprising that he is less successful.

The concluding paragraphs of chapter after chapter of his book deal with the question as to whether the Manchus left China in a worse state than they found her, and left her government less effective. His usual answer is that they did. The Manchu rulers failed to determine satisfactorily the position of such privileged classes as the imperial clansmen and the bannermen. They neglected the civil service and offered degrees and positions for sale to an extent hitherto unknown. The censorship was harshly dealt with and censors were punished in increasing numbers under the successive emperors. The problems of provincial government grew greater under the neglect of the Manchus. Reforms were considered during the closing decades of the dynasty, but such proposed reforms are looked upon as evidence of "insincerity." "One finds," we are told, "very little action, though many preparations and a superabundance of writings and noise."

One may guess that Mr. Hsieh's condemnation of the Manchus is probably just enough in so far as concerns the last century of Manchu

rule, though at times it is supported by statements that seem unfair. But the significant thing is that one is obliged to guess about this matter, since it is impossible to tell what the course of events would have been without the Manchus. For example, Mr. Hsieh condemns provincial government under the Ch'ing dynasty; but the problem of the relation of the provinces and central government to each other is, as Professor MacNair points out, one of the outstanding difficulties of the republic. The Manchus, we are told, ought not to have permitted officials to hold offices concurrently; but this, as Mr. Hsieh admits, is common in republican China. He disapproves of the control of opinion and of thought under Manchu rule, the turning of education into a means of preferment, and the suppression of political leadership. It is plain that Mr. Hsieh deals with matters that lie deeper than the consequences of Manchu misrule. He ought to have made allowance for this in his estimate of Manchu government.

Mr. MacNair is an American who has been for more than a decade professor of history and government in St. John's University, Shanghai. He has written other things about China, among them a study of the Chinese abroad, and his interest in this subject is shown in more than one of his essays. In this volume he has brought together a number of his contributions to the *China Weekly Review* (Shanghai), of which he is contributing editor, and to other Far Eastern periodicals.

Mr. MacNair is interested, as is Mr. Hsieh, in observable tendencies in Chinese politics and he writes of China today. In one of his essays he ventures certain generalizations, pointing out that under the republic both the presidential and the parliamentary forms of government have failed; that the provinces have drifted away from the control of the central government; that there is a growing interest in public affairs among women; and that attempts are being made in certain centers to bring about better municipal government. From the other essays one is able to add that there is a growing feeling of nationalism in China and that no one can see the end of the present political chaos. "China is often likened," we are told, "to a whirlpool whose ceaseless sucking currents draw toward its center all objects within a wide radius. There seems to be no cause for the motion, no object, and no constructive result."

Such subjects as the white man's feeling of superiority, the perennial attack upon the returned student, and the position of the missionary are dealt with in a spirit of fairness and of willingness to present both sides. As an American living in China Mr. MacNair is much interested

in China's foreign relations and in American policy in that country. He does not belong to the school of white supremacy, nor to the equally sentimental school of those who use indiscriminate praise of all things Chinese to express their critical attitude toward the white man and his institutions. He holds to a middle course. Mr. MacNair's essays are of uneven quality and some are obviously occasional writings. Most of them are worth the perusal of the American interested in China, for their author has that rare virtue of not pretending to know the answers to the questions presented by the unhappy political state of China today.

C. F. REMER.

Williams College.

County Government and Administration in Iowa. Edited by BENJAMIN F. SHAMBAUGH, Applied History, Vol. IV. (Iowa City: State Historical Society of Iowa. 1925. Pp. vi, 716.)

This fourth volume in the series of studies in government, issued under the general term of Applied History by the State Historical Society of Iowa, is the most comprehensive and thorough study of county government in any of the American states yet published. It includes eighteen chapters by eight authors as follows: the first and last chapters on the Definition of the County in Iowa and Reorganization of County Government in Iowa by Kirk H. Porter; chapters 2 to 4 inclusive on County Boards of Supervisors, the County Auditor, County Treasurer and County Recorder by Jacob VanEk; chapters 6, 7, and 11 on the Clerk of the District Court, the County Attorney, and the Administration of Justice by James R. McVicker; chapter 8 on the County Sheriff by William A. Jackson; chapters 9, 10, and 15 on the County Coroner, the County Superintendent of Schools, and Drainage Districts by Jay J. Sherman; chapters 12 and 16 on County Welfare Work and County Administration of Health by Earl S. Fullbrook; chapters 13 and 14 on the County Administration of Highways, and Taxation and Finance by Ivan L. Pollock; chapter 17, County and Elections by George F. Robeson. Professor Shambaugh, the general editor of the series, has written a brief introduction. A lengthy chapter on Historical Backgrounds of the County in Iowa by Ivan L. Pollock, omitted for lack of space, was published in the *Iowa Journal of History and Politics* for January, 1925.

The various chapters by different authors have been prepared in accordance with a general plan. They are based on a thorough analysis

of the constitutional provisions and statutes of Iowa, supplemented by material from judicial decisions, official reports by state officers, and to some extent by data from local reports and personal examination of conditions in particular counties.

On the whole, county government is believed to function about as well in Iowa as it does anywhere in the United States. The possibilities of improvement, however, are recognized and proposals for reorganization are made, involving the appointment of most of the present elective offices, the abolition of the coroner, and the establishment of a civil service commission. There is also a brief discussion of home rule, county charters, and county city consolidation.

As with the other publications of the State Historical Society of Iowa, the typographical and mechanical work of the publication is done in a first-class manner. An extended list of reference notes is printed at the end of the volume, followed by a good index.

JOHN A. FAIRLIE.

University of Illinois.

BRIEFER NOTICES

The World Court by Antonio S. de Bustamente (Macmillan, pp. xxv, 379) is of especial interest because it appears at a time when the question of joining the Permanent Court of International Justice is a matter of large public concern in the United States. The author is not only a distinguished scholar and teacher of international law but he is also one of the judges of the World Court, which helps to make the volume the most authoritative first-hand account of the tribunal that has appeared in English. Judge de Bustamente devotes the first 111 pages to a discussion of the historical antecedents of the court and the work of the Paris Conference and the Advisory Committee of Jurists. The remainder of the volume is taken up with an exhaustive description of the organization of the court; how the court is paid for and what it costs; its jurisdiction; its procedure; the extent to which the court has sanctions; its function in rendering advisory opinions, and a review of the decisions that have been actually handed down up to August, 1925. The concluding chapter is an appeal to the United States to adhere to the Permanent Court instead of joining a movement for the creation of a new court. "Experience," writes the author, "shows that the execution of judgments in suits between individuals depends in most cases on the nature of the individuals. Nations are litigants of the first rank; the implacable eye

of public opinion and of history is fixed upon them now and forever. For this reason law and justice often find that it is public opinion, the most intangible and yet the most powerful of human forces, that gives them their irresistible authority." The book is translated by Elizabeth F. Read under the auspices of the American Foundation maintaining the American Peace Award. There is a useful bibliography of thirty pages, but unfortunately no index.

The memoirs of Viscount Grey, recently published under the title *Twenty-Five Years*, 1892-1916 (Frederick A. Stokes Company, pp. xxx, 331; ix, 352) make an interesting narrative and throw some new light upon the diplomacy of the war period. There is an excellent account of the way in which the Anglo-French entente developed, and a full discussion of British-American relations during the early war years, in the course of which Viscount Grey reveals some important things which were not known to the public in those days. In this connection he publishes the text of the confidential memorandum presented to him by Colonel House giving the peace terms which President Wilson had formulated in the earlier stages of the great conflict. There is a good deal of interesting comment on all sorts of diplomatic matters, ranging from Persia to Japan, and a spirited defense of the old diplomacy. There was nothing the matter with the old diplomacy, Viscount Grey believes, except the lack of honesty on the part of some who had to do with it. Whether the new diplomacy will be any better must depend on the sort of diplomats that the various countries employ.

College and State: Educational, Literary and Political Papers (1875-1913), by Woodrow Wilson, edited by Ray Stannard Baker and William E. Dodd (Two vols., New York: Harper & Bros., 1925. Pp. xx, 521; ix, 523) is the title of the first two volumes of the authorized edition in six volumes of the public papers of Woodrow Wilson. The editors present in the first two volumes a selected group of Mr. Wilson's writings and speeches in chronological order from the paper on Bismarck, published in 1877 when he was a sophomore at Princeton, down to his Speech of Acceptance of the Democratic nomination for President in 1912. The other volumes in the series are to contain the more important of his later papers, messages, and speeches. None of the papers in the first two volumes is contained in any of his published books. Most of them were published in various periodicals and are now for the first time brought together in a form for convenient study. They relate to three main fields of interest: politics or government, education, and religion.

The editors have done their work carefully, and the two volumes will be useful as showing the development of Mr. Wilson's intellectual views and sympathies in these fields down to the time of his election to the presidency. It is a curious fact that one of the earliest papers, entitled "Cabinet Government in the United States" was published in 1879 in the *International Review* of which Henry Cabot Lodge was at that time the editor. The papers which are probably of most permanent interest and value to students of political science are: "The Study of Administration" (1887), "Democracy and Efficiency" (1901), "The States and the Federal Government" (1908), and "Hide and Seek Politics" (1910). The editors have contributed a short introduction. There is also an elaborate bibliography and an index.

J. M. M.

Mr. William Allen White of Kansas seems to have become, though not by special appointment, the biographer of the presidents. His book of a year ago on Woodrow Wilson has now been quickly followed by another on *Calvin Coolidge* (Macmillan, pp. 252). It is significant that a chief executive should have at least four biographers within as many years. Mr. White begins his biographies with a thesis. In Wilson's case the thesis was that Scotch-Irish ancestry accounted for it all; in the present instance the thesis is that "Calvin Coolidge in the White House is only the little boy from Vermont." On this is built what the author calls neither "a formal biography nor a biographical history." It is a running commentary on the President's career, with the facts stated accurately in some cases, but not in all—in the narrative of the Boston police strike, for example. Still, this biography is most readable, like everything else that comes from the Emporia sanctum.

A Political and Social History of the United States by Professors H. C. Hockett and Arthur M. Schlesinger has been brought out by the Macmillan Company (2 vols., pp. 438, 576.) The first volume, by Professor Hockett, covers the period 1492-1828, while Professor Schlesinger's volume deals with the subsequent ninety-seven years of American history. The major emphasis in both volumes is on political development, but the authors have kept in mind, and have successfully endeavored to point out, the responsiveness of political movements to social and economic conditions. The distinguishing feature of these two volumes, indeed, is the constant emphasis that has been placed upon what Professor Schlesinger terms the "great dynamic currents" in national life. These main currents are not peculiar to the United States,

but have been running strong in Western Europe as well; hence the authors have set out to narrate the story of American political development as one phase of world evolution. This, again, gives the work a distinctive character and an almost unique interest to students of political science. These two volumes are worthy of especial attention.

The thesis of Mr. Frank Lawrence Omsley's *State Rights in the Confederacy* (The University of Chicago Press, 1925, Pp. x, 290) is simple. The contention is made that the downfall of the Southern Confederacy resulted from internal rather than from external forces, and that of the latter the most important was the lack of unity caused by extreme state-rights sentiment in the Southern states. It may be asked with some pertinence whether the suggested cause is not itself the cause of many of the internal forces amongst which it is listed as the most important; but the contention arouses interested anticipation of the evidence to follow. The body of the book consists principally of facts and figures derived from a careful study of the primary sources. They show how the Confederate government was obstructed by the states, principally through their governors, in its effort to secure adequate troops, arms, and supplies. There is a detailed account of the long series of scarcely edifying quarrels with regard to such matters as conscription, the suspension of the writ of habeas corpus, and the impressment of property.

The sixth volume of Professor Edward Channing's *History of the United States* (Macmillan, pp. vii, 645) deals mainly with the Civil War, or, as the author prefers to call it, "The War for Southern Independence." The chapters are by no means devoted in their entirety to the operations on land and at sea. Much attention is given to parties, politics, and politicians, both north and south. There is much that is new and interesting on the government of the Confederacy. Like the author's preceding volumes, this one is documented with great care and is written with a scrupulous regard for accuracy even in little things.

G. P. Putnam's Sons announce the forthcoming publication of several volumes on British administration to be known as the Whitehall Series. Of these the first two have appeared, namely, a volume on *The Home Office* by Sir Edward Troup and one on the *Ministry of Health* by Sir Arthur Newsholme. Other monographs on the Admiralty, the War Office, and the India Office are in preparation. The two initial volumes set a high standard and give promise of a notable series. Sir Arthur Newsholme's book, for example, sets forth the history of the public

health services, explains the work of health administration, describes the organization of the ministry of health and sets forth clearly every phase of this ministry's work. The whole story, logically and clearly told, is presented in a volume of less than three hundred pages. Students of English government will find these books invaluable.

Professor Albert B. White has brought out a new and much-altered edition of his *Making of the English Constitution* (Putnam's, pp. xxx, 461). The alterations not only bring the book into harmony with present-day scholarship in English constitutional history but provide it with many useful aids to teaching. These include a good bibliography, many explanatory footnotes and some excellent suggestions for collateral reading. Since its initial publication, more than seventeen years ago, Professor White's volume has been of notable service to students of the subject and has become so widely known that a statement of its scope would seem to be superfluous here. The present revision has greatly enhanced its value.

Studies in the Constitution of the Irish Free State (The Talbot Press, Dublin, pp. xxiii, 244) by J. G. Swift MacNeill is an authoritative volume containing the text of the Irish Free State constitution and of the articles of agreement for the treaty between Great Britain and Ireland in accordance with which the constitution was drafted, together with a commentary on the constitution, article by article. No competent scholar knows more about the antecedents of the Irish constitution and the purposes of its framers than Professor MacNeill, who has rendered an invaluable service to scholarship by passing on his knowledge in this illuminating commentary.

The Continent of Europe by Lionel W. Lyde (Macmillan, pp. xv, 456) is a book that deals with the twilight zone between geography and political science. Emphasis is laid on the essential individuality of the whole continent, but the various political units are dealt with in detail. There are chapters on regional relations, for example, and on the control of communications, which treat of Europe as a whole. The book contains a vast amount of geographical, political and economic data, all put together in a most orderly form. There are several excellent maps.

A new and much-revised edition of President A. Lawrence Lowell's volume on *Greater European Governments* has been published by the Harvard University Press (pp. 341). About one-third of the book is devoted to Great Britain, a third to France, while the balance is divided

among Italy, Germany, and Switzerland. The narrative has been thoroughly revised and brought up to date. An excellent chapter on the new German constitution has been inserted. As a general survey of the leading European governments this book has much value.

Rodney L. Mott's *Materials Illustrative of American Government* (Century Co., pp. xi, 397) is designed to supplement the standard textbooks on the government of the United States. It includes materials of a widely-varied sort—documents, laws, treaties, vetoes, judicial decisions, charters, and official reports. Taken together, these make up a sort of case-book which can serviceably be used to supplement and to invigorate work based upon a text. The choice of illustrative material has been made with much skill, and the book seems well adapted to the purpose in view.

Three other recently published aids for the study of governmental problems are: *Essentials of Government*, a Study Program, by O. C. Hormell (Bowdoin College Bulletin, pp. 46); *A Working Manual of Civics*, by Milton Conover (Johns Hopkins Press, pp. 80); and *A City Planning Primer*, by G. E. Lomuel and F. G. Bates (Bulletin of Purdue University, pp. 30).

A Syllabus on International Relations by Professor Parker T. Moon is issued for the Institute of International Education by the Macmillan Company (pp. 276). It is a very comprehensive and well-arranged outline—by topics and by countries—covering not only the political, but the economic and social phases of internationalism. The syllabus has been designed for use in a full-year college course (85 classroom hours) on international relations, but the author has included schedules for use in half-courses as well. The work is abundantly supplied with definite references, making it a most serviceable addition to our teaching apparatus.

The Senate and the League of Nations by the late Senator Henry Cabot Lodge (Scribner's, pp. 424) is a contribution to our knowledge of a perplexing era at Washington. The first seven chapters deal with the Senate's attitude toward various questions of foreign policy before the armistice; the rest of the chapters are concerned with its action on the covenant and the treaty. The author's own discussion occupied only half the book, the remainder being taken up by five long appendices, mainly speeches and debates. The volume is, of course, a defence of Senator Lodge's own attitude and that of his fellow-irreconcilables in

opposition to the Wilsonian foreign policy, but neither in logic nor in style is it up to the Lodge standard of earlier days.

Various addresses delivered by the Hon. Charles E. Hughes during his term as Secretary of State (1920-1924) have been brought together in a volume entitled *The Pathway to Peace* (Harper's, pp. vii, 329). Somewhat more than half the addresses deal with various phases of foreign policy, including some speeches on Latin-American relations. Among the latter are two important speeches on the Monroe Doctrine, its history and its implications. The last hundred and fifty pages of the book are devoted to addresses of a legal and biographical character, including a fine tribute to the memory of Lord Bryce.

International Law Decisions and Notes 1923 (pp. 224) is a compilation by Professor George Grafton Wilson of decisions of various prize courts, of special interest and value to officers of the naval service, which have been considered at the Naval War College. These include cases dealing with the ownership, charter, and service of vessels; armed vessels, search in port, enemy vessels, Japanese prize cases, and mixed claims commissions.

The Lawless Law of Nations is a title that can hardly help catching the eye. The book is by Sterling E. Edmunds (John Byrne and Co., pp. 449). The author regards international law as "the last bulwark of absolutism against the political emancipation of man" and devotes his four-hundred-odd pages to upholding this thesis. By way of elucidation it may be explained that this antipathy to the law of nations arises from a dislike of the "sovereign state." If man is to achieve the dignity of a free citizen he must "strip his governments of their external sovereignty."

Another book which takes international law severely to task is A. V. Lundstedt's *Superstition or Rationality in Action for Peace* (Longmans, pp. 239). The author argues that "the so-called law of nations" is nothing but a baleful phantom—like Walter Lippman's "public." He contends that international legalism is merely a survival from primitive superstitions which Hugo Grotius consolidated and palmed off on the world three centuries ago. However, the book does not deal entirely with international law. It is equally critical of the present science of law within the national boundaries. The author is a Scandinavian and a disciple of Hägerström.

The Follies of the Courts by Leigh H. Irvine (Times-Mirror Press, Los Angeles, pp. 273) is a scathing criticism of American judicial organization and procedure. It contains a rare assortment of items, culled from every conceivable source, all of them dealing more or less with the lapses of our judicial system. There are quotations from all and sundry; indeed, the book is largely made up of quotations. The author's condemnation of American procedure is equalled only by his praise of the English judicial system. His pen is rather too lively for a subject so serious as this.

One of the earliest and best-known of the now fashionable orientation courses is that at Columbia, called "An Introduction to Contemporary Civilization." With a portion of its needs particularly in mind, three instructors therein—Rexford Guy Tugwell, Thomas Munro, and Roy E. Stryker—have now drawn on their experience to produce *American Economic Life* (Harcourt, Brace and Co., pp. xiv, 633). The volume should prove generally useful, for, however one may differ with the authors over matters of emphasis and point of view, the book is still a welcome effort at objective description of actual economic circumstances and institutions, for the use of beginning students of economics. Problems are raised, and the need for improvement emphasized, but while reform programs are discussed, the responsibility for the solution of the problems and for the attainment of the improvement is definitely placed on the shoulders of the young readers—which is as it should be.

The Present Economic Revolution in the United States by Thomas Nixon Carver (pp. viii, 270) is the latest addition to Little, Brown and Company's series of books dealing with current national problems and movements. Professor Carver points out in a clear and interesting fashion that an economic development is now under way which will wipe out the distinction between laborers and capitalists in the United States. In his opinion laborers are rapidly becoming their own capitalists, as indicated by the growth of savings deposits, investments by laborers in the shares of corporations, and the establishment of labor banks. "Unless all signs fail we are about to give the world the only great demonstration it has ever had of the practicability of the twin ideals of liberty and equality."

Scoville Hamlin's volume on *Private Ownership or Socialism* (Dorrance and Co., pp. 207) is not the sort of study that its title might indicate to the casual scanner of the book lists. It is a general disquisition on over-

taxation, on tariff protection, on heredity and environment, and on the "Representation of Income in Government," all tending to prove that we need "a constitutional bulwark to stay the floodtide of socialism at this time." There is a good deal of statistical discussion in the book, but not much of it is related to the main theme.

Among recent Duke University Publications of interest to political scientists are Professor Alpheus T. Mason's *Organized Labor and the Law* (265 pp.) and Professor E. Malcolm Carroll's *Origins of the Whig Party* (260 pp.). The former volume is written chiefly "to explain, to clarify, and not to justify, the reasoning of the courts in labor cases." The author's point of view is revealed by the remark that "the rights of labor are determined quite as much, if not more, by the social and economic philosophy of the judges as by so-called immutable principles of the law." The common law, he points out, as applied in the states and incorporated in the anti-trust acts, is "largely a creation of American judges." Professor Carroll's volume deals with the strategy of the party leaders during the period from 1828 to 1840, emphasizing the differences between the successful Whig campaign of 1840 and its unsuccessful predecessors. Both volumes are well documented.

The Formative Period of the Federal Reserve System (Houghton Mifflin Co., pp. x, 320) is by W. P. G. Harding, an original member of the Federal Reserve Board, its Governor from 1916 until his retirement in 1922, and present Governor of the Federal Reserve Bank of Boston. The book is valuable as an inside account, by the man most able to give it, of the organization of the Federal Reserve Board, and of its problems, policies, and operations during that critical period of its infancy which was made doubly critical by the influence of the World War. Most interesting are Mr. Harding's shrewd and convincing replies to many of the criticisms levelled, in recent years, against the board and its personnel. The author is particularly opposed to any assumption by the board of responsibility for the maintenance or control of price levels.

Recent studies of the National Industrial Conference Board include a special report on *Proposals for Changes in the Federal Revenue Act of 1924* (pp. 44), and monographs on *Public Regulation of Competitive Practices* (pp. 281) and *Industrial Pensions in the United States* (pp. 157). The proposed changes in the national taxes include a maximum surtax of 20 per cent, a normal tax of one per cent on the first $4,000 of net income, and the immediate repeal of the federal estate tax. The last

two proposals go further than the bill now before Congress. The monograph on Public Regulation of Competitive Practices deals largely with the federal trade commission and the legislation of 1914, with chapters discussing the regulation of price policies, sales promotion policies and trade regulation policies, and on public policy and possible standards.

M. C. Burritt's *County Agent and the Farm Bureau* (Harcourt, Brace, pp. xvi, 269) is divided into two parts. The first describes in detail the work of the county farm agent and the farm bureau. The second deals with the rise and growth of these agencies—a somewhat unusual method of presentation. There is a good deal in the book that will interest the student of actual government, but there would have been more if the author had seen fit to set forth in detail the relation of the American Farm Bureau Federation to the agricultural bloc in Congress and to national legislation. This interesting phase of the whole movement is left almost wholly untouched.

A foremost student of social psychology and of sociology in its psychological aspects, Professor Charles A. Ellwood has brought his earlier views down to date, synthesized them, and given them definitive statement in *The Psychology of Human Society* (D. Appleton and Co., pp. xvii, 495). The author reiterates his distinction between social psychology, which has to do with the individual mind, and "psychological sociology," which is "the study of the psychic processes involved in the origin, development, structure, and functioning of group life," *i.e.*, a matter of collective, not individual behavior. The sociological importance of culture and habit, as opposed to instinct, is emphasized, and the "fundamental problems" of social unity, social continuity, and social change—gradual or abrupt—are discussed. Government and law are treated as important means of social control, likely, in the opinion of the author, to be more, rather than less, needed in the society of the future.

Social Problems and Education by Ernest R. Groves (Longmans, pp. 457) is a book that deals primarily with those social problems which are related to the work of the schools—juvenile delinquency, mental hygiene, divorce and family responsibility, and so on. There are, however, some chapters on topics which have no direct educational implications. There is one, for example, on public opinion which the author defines as "the convictions that are held by most, if not all, of the group and that are felt by each person to have behind them the

approval of the group"—a definition which surely leaves something to be desired. There is also a long bibliography of references on this subject, which strangely omits all mention of the work done in this field by Bryce, Lowell, Merriam, Wallas, Hall, and Follett.

A manual of study and reference on various social problems, by Howard W. Odum and D. W. Willard has been published by the University of North Carolina Press under the title *Systems of Public Welfare* (pp. 302). Students of government will be interested in the chapters on "Attainable Standards for State Departments" and on "The City Plan of Public Welfare."

Social Problems of Today by G. S. Dow and E. B. Wesley (Thomas Y. Crowell Co., pp. 337) is based upon a useful book by the first of these two authors, published some years ago on *Society and Its Problems*. It embodies an attempt to make sociology an interesting study for high school students.

A timely work on *The State Police* by Bruce Smith (Macmillan, pp. ix, 282) describes the organization and work of the forces in eleven states. It is a careful study, based upon the statutes, executive orders and other official data. Some attention is given to municipal police administration also, inasmuch as "in the larger sense the police problem is one problem." Students of state administration will find this book very useful.

Louis A. Frothingham has revised his *Brief History of the Constitution and Government of Massachusetts* (Houghton Mifflin Co., pp. 154), which appeared first in 1916. The volume explains the government which existed in Massachusetts during the colonial period, outlines the work of the constitutional conventions of 1780, 1820, 1853, and 1917, and describes the essential features of the present-day government. The new material in the revised edition is found largely in an additional chapter dealing with the changes made in the constitution and government of the commonwealth as a result of the constitutional convention of 1917. The chapter on legislative procedure in Massachusetts is the best short account of the subject, and the book as a whole serves a most useful purpose since it explains the evolution of the oldest written constitution now in operation and contains material which is not found in any other one volume.

An important and interesting volume on *Municipal Budget-Making*, by R. Emmett Taylor, has been printed by the University of Chicago

Press (pp. xiii, 233). It includes a comprehensive study of the subject, well-arranged and clearly presented, without an undue cluttering of detail. The matter of budget-making is a technical one, of course, and the author has not set out to denude it of its difficulties; but he brings each phase of the subject within the range of citizen intelligence. Not the least useful feature of the book is the excellent bibliography. Taking it in conjunction with Mr. A. E. Buck's recent monograph on the same subject, the student of municipal government is now well equipped on budgetary procedure.

Frederic C. Howe, whose books on various subjects are well-known to students of government, has recently published *The Confessions of a Reformer* (Scribner's, pp. 352). It contains chapters on the author's political experiences, both early and late, on Tom Johnson and Mark Hanna, on making laws at Columbus, and on guarding immigrants at Ellis Island. Toward the end of the volume there is a significant chapter on "unlearning." It is interesting, by the way, to hear a "reformer" pay his respects to civil service reform in the way that Mr. Howe does on pp. 255-256 of this book. In Washington, he says, "it would be better if we had the spoils system."

In the *Life of Elbert H. Gary* (Appleton, pp. xii, 361) Miss Ida M. Tarbell has turned her attention from oil to steel. Biographical in form, this volume is in truth a history of the steel industry during the past half century, and more particularly a history of the United States Steel Corporation with which Judge Gary has been so intimately connected. It is an authoritative biography and history combined, for Miss Tarbell has had access to all the records, many of which are under lock and key at the corporation's headquarters. Needless to say it is also a readable book, replete with comments and observations which the author's familiarity with contemporary business and industrial history has enabled her to make.

The autobiography of Samuel L. Powers, for many years a congressman from Massachusetts, has come from the press with the title *Portraits of a Half Century* (Little, Brown, and Co., pp. 285). Mr. Powers disclaims all intent to write an autobiography, yet it is his own portrait that inevitably stands out most clearly in these pages. Many other figures come and go, however, as the book runs on. There are interesting sidelights on national and local politics, on the ways of politicians, on presidents and governors, and on life in Washington.

The progressive, intellectual, liberal side of New England Puritanism, so often overlooked, has been brought to the front in a well-written biography of *Increase Mather* by Kenneth B. Murdock (Harvard University Press, pp. xiv, 442). Mather was the foremost among American Puritans, a vigorous theologian, and an influential man of letters. He not only had progressive ideas but knew how to expound them effectively. Those who have been scornful of the Puritans, and inclined to belittle their influence upon the shaping of American ideals, will find some surprises in this biography.

The Diaries of George Washington, edited by John C. Fitzpatrick (4 vols., Houghton Mifflin Co.), represents the first complete issue of Washington's day-by-day jottings, from the outset down to the last words that he wrote. The entries extend, with a few interruptions, from 1748 to 1799. They give an excellent picture of social life in pre-war Virginia, and of daily routine at Mount Vernon, but contain surprisingly little on any phase of politics. The volumes are well supplied with useful notes.

Released for Publication by O. K. Davis (Houghton Mifflin Co., pp. 468) is an addition to our growing stock of Rooseveltiana. It is mainly about Roosevelt and in praise of him. The author is an outstanding journalist of wide experience, political and otherwise. He writes as a newspaper man, featuring the picturesque, the unusual, and the humorous. There is not a dull page in the book.

Factors in American History, by A. F. Pollard (Macmillan, pp. 315) is the title under which a distinguished English historian has brought together a number of lectures given to British audiences. These lectures deal with tradition, conservatism, nationalism, imperialism, idealism, and other factors which seem to have had a part in the making of American history. The book, as might be expected, is stimulating and suggestive.

E. P. Dutton and Co. have brought out a new edition of the late James Mavor's *Economic History of Russia* (pp. xxxv, 614; xxii, 630), a work which originally appeared just before the outbreak of the war and at once became the standard treatise on the subject, so much so that the first edition quickly ran out of print. In this second edition a new introduction has been added, and a new concluding chapter, but the contemporary economic situation in Russia has not been dealt with. On the other hand, Professor Mavor's second volume is a virtually indis-

pensable source for those who desire to know the background of present-day political or economic organization in the muscovite commonwealth.

The H. W. Wilson Company have added to their handbook series a volume on *Slavonic Nations of Yesterday and Today* (pp. 415), edited by Milivoy S. Stanoyevich. This includes an extended list of articles from various periodicals dealing with the Slavonic race in general, Russia, Poland, Czechoslovakia, Yugoslavia, and Bulgaria. Among the articles the following may be mentioned: The Slavs Among the Nations by T. G. Masaryk; Bolshevism in Theory and Practice by G. H. Crichton; The Future of Poland by Ignace Paderewski; The Czechoslovak Republic by R. W. Seton-Watson; The New Adriatic State by J. Leyland; and Education in Bulgaria by Stephen Panaretov.

The first volume of a four-volume series on the *History of England* by Hilaire Belloc has recently appeared (Putnam's, pp. xiii, 421). The initial volume covers the period down to 1066. About a third of the space is given to pre-Roman and Roman Britain, the balance to the Saxon era down to what the author calls "The End of the Dark Ages." In keeping with Mr. Belloc's thesis that religion is the determining force in social development, much attention is given to the ecclesiastical aspects of this later period. Likewise, the endeavor is made to show a continuity between Roman origins and those institutions which have sometimes been deemed to have a barbaric ancestry. The second volume, soon to appear, will deal with Catholic England in the Middle Ages.

England under the Early Tudors, 1485-1529, by C. H. Williams (Longmans, pp. xviii, 281) is the latest addition to the University of London Intermediate Source Books. It contains numerous documents illustrating the political, ecclesiastical, social, and economic conditions of the time.

Rebel Saints is the rather striking title under which Mary Agnes Best narrates the story of Quakerism in a series of biographical sketches (Harcourt, Brace, pp. xi, 332). There are two chapters on William Penn. The author accounts it one of the great services rendered by the Quakers that they gave to government a liberal education in the art of minding its own business.

André Siegfried's illuminating book on *L'Angleterre d'aujourd'hui* has been translated and published under the title *Post-War Britain*

(Dutton, pp. 314). It contains a fair analysis of the political and economic difficulties with which Britain has been struggling since the war. Attention should be called to the interesting discussion of British governmental institutions and of British political parties, to which topics about a hundred pages are devoted.

Humanism and Tyranny by Ephraim Emerton (Harvard University Press, pp. 377) is a series of studies of Italian writers of the early Renaissance now almost forgotten. There is a general introduction on the fourteenth century, and an introduction to each chapter, preceding the text of the several writers. The latter include "De Tyranno" and Letters in Defence of Liberal Studies, by Coluccio Salutati, "De Tyrannia" and "De Guelphis et Gebellinis" by Bartolus of Sassoferrato, The Tyranny of Francesco dei Ordelaffi, and The Ordinances of Albornoz.

A new and revised edition of Victor Duruy's *General History of the World* (Thomas Y. Crowell Co., pp. 931) has been brought out with supplementary chapters which continue the narrative down to 1925. This compendium of world history has been in use for more than seventy-five years and is still as useful as ever. A series of color maps enhances its value.

H. C. Chatfield-Taylor's *Cities of Many Men* (Houghton-Mifflin Co., pp. 312) gives the author's impressions of four great urban communities, —London, Paris, New York, and Chicago. This is not a mere diary of social reminiscences, nor is it a study of architecture and customs. It is a series of sketches in which the author vividly portrays the outstanding figures in the life of these cities during almost half a century. All the chapters are brilliantly written.

The Supercity, by Robert R. Kern (Privately printed, pp. 349) is a work in which the author sets out to delineate "a planned physical equipment for city life." There are discussions of zoning and types of zones, of commercial facilities and public utilities, as well as of city finance and administration. All of it is highly imaginative and takes rather scant account of the practical difficulties.

London Life in the Fourteenth Century by Charles Pendrill (Adelphi Co., pp. 287) is what its title implies. The student of municipal history will find in it some good material concerning London's early streets, the courts, the freedom of the city, and the "liberties" of the metropolis.

RECENT PUBLICATIONS OF POLITICAL INTEREST

BOOKS AND PERIODICALS

CLARENCE A. BERDAHL

University of Illinois

AMERICAN GOVERNMENT AND PUBLIC LAW

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